

METROPOLITAN AREA PLANNING COMMISSION

MINUTES

October 19, 2000

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held Thursday, October 19, 2000, at 1:30 p.m. in the Planning Department Conference Room, 10th Floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: Chris Carraher, Chair; Frank Garofalo; Bud Hentzen; Bill Johnson; Richard Lopez; Ron Marnell; John W. McKay, Jr.; Jerry Michaelis; Susan Osborne-Howes; George Platt; Ray Warren and Harold Warner. James Barfield was not present. Staff members present were Marvin S. Krout, Secretary; Dale Miller, Assistant Secretary; Donna Goltry, Principal Planner; Scott Knebel, Senior Planner; Barry Carroll, Associate Planner, and Karen Wolf, Recording Secretary.

1. Approval of minutes for September 21, 2000.

CARRAHER "Are there any corrections or additions to these minutes?"

MOTION: That the Planning Commission approve the minutes of September 21, 2000 as submitted.

HENTZEN moved, **MCKAY** seconded the motion, and it carried unanimously (12-0).

2. Consideration of Subdivision Committee recommendations

CARRAHER "I need to mention that an item has been added; that being Item 2/7. It is a review for revisions of a past issue regarding the Church of the Magdalene. So, with that in mind, are there any issues that need to be pulled off for reconsideration? Marvin, do we need to treat Item 2/7 separately?"

KROUT "Yes, we should deal with that separately."

MOTION: Subdivision Committee items 2/1, 2/2, 2/3, 2/4, 2/5 and 2/6 were approved subject to the Subdivision Committee recommendations. **MCKAY** moved, **GAROFALO** seconded the motion, and it carried unanimously (12-0). Barfield was not present.

2/1. SUB2000-82 - One-Step Final Plat of SAVANNAHPLACE ADDITION, located on the west side of Tyler, South of Maple.

- A. City Engineering has previously obtained petitions for City water and sanitary sewer with the Westwood Hills 3rd Addition. City Engineering needs to comment on the need for any additional guarantees or easements. City Engineering has requested revised petitions.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning department for recording.
- C. City Engineering needs to comment on the status of the applicant's drainage plan. City Engineering has approved the drainage plan.
- D. A CUP administrative adjustment will need to be obtained regarding the revised setbacks and access controls.
- E. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- F. As required by the sidewalk ordinance, sidewalks shall be provided along University Avenue and Maybelle Avenue. A sidewalk certificate was previously obtained with the Westwood Hills 3rd Addition.
- G. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- H. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- I. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.

- J. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (phone 316-729-0102) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- K. The applicant is advised that various State and Federal requirements [specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147] for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- L. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- M. Perimeter closure computations shall be submitted with the final plat tracing.
- N. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- O. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- P. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in Release 13 version of AutoCAD. This will be used by the City and County GIS Department.
- Q. The Applicant will be adjusting the interior lot line to the south 50 feet. The final plat tracing shall reflect this revision.

- 2/2. SUB2000-83** - One-step final plat of ALFRED'S SUPERIOR TREE SERVICE ADDITION, located on the west of West Street, south of 47th Street South.
- A. Since neither municipal water nor sanitary sewer is available to serve this property, the applicant shall contact the Environmental Health Division of the Health Department to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities and water wells. A memorandum shall be obtained specifying approval. No additional testing is required.
 - B. City Engineering should comment on the need for future petitions for municipal water and sanitary sewer. A petition for future City water service is required.
 - C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning department for recording.
 - D. County Engineering needs to comment on the status of the applicant's drainage plan. A Floodway Reserve is required along the southern portion of the plat to cover drainage. The ponding area on the south side of 47th St. South and west of the Bog Ditch has an elevation of 1278.3 MSL. This is identified as Ponding Area K of the Wichita-Valley Center Flood Control Project. The current flood study has a Base Flood Elevation (BFE) south of the plat and east of the Union Pacific railroad of 1283 MSL. Therefore the minimum pad elevation for this plat shall be established at 1286 MSL.
 - E. A Protective Overlay Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved Protective Overlay (referenced as P-O #57) and its special conditions for development on this property.
 - F. The Applicant needs to provide an access easement from Sedgwick County connecting their site with 47th St. South.
 - G. County Engineering and County Fire Department should comment on the need for paving of the access road. In accordance with the Subdivision Regulations, for urban subdivisions within three miles of the City of Wichita, the Applicant shall provide for paved access of section-line roads between the nearest paved segment and the entrance to the subdivision, unless waived by the governing body. The Subdivision Committee recommended that this requirement be waived.
 - H. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.

- I. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- J. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- K. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-729-0102) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- L. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- M. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- N. Perimeter closure computations shall be submitted with the final plat tracing.
- O. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- P. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- Q. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

2/3. DED2000-25 - Dedication of a Drainage easement from Kenneth J. and Kelly J. Cain, for property located north of 111th Street South, on the west side of Hydraulic.

OWNER/APPLICANT: Kenneth J. and Kelly J. Cain , 415 N. Buckner, Derby, KS 67037

LEGAL DESCRIPTION: A drainage easement located in the SE1/4, S28, T29, R1E, of the 6th P.M., Sedgwick County, Kansas, described as follows:

The centerline of a 30-foot drainage easement beginning at a point on the east line and 1350 feet north of the southeast corner of said southeast 1/4; thence west 320 feet to the point of ending.

PURPOSE OF DEDICATION: This Dedication is a requirement of CON 1999-CU 562 and is being dedicated for making and maintaining appropriate drainage improvements.

Planning Staff recommends that the Dedication be accepted.

2/4. DED 2000-26 -- Dedication of Street Right-of-Way from Kenneth J. and Kelly J. Cain, for property located north of 111th Street South, on the west side of Hydraulic.

OWNER/APPLICANT: Kenneth J. and Kelly J. Cain , 415 N. Buckner, Derby, KS 67037

LEGAL DESCRIPTION: The west 20 feet of the east 60 feet of the E 1/2 of the SE1/4 S28, T29S, R1E, of the 6th P.M., Sedgwick County, Kansas; except the south 550 feet.

PURPOSE OF DEDICATION: This Dedication is a requirement of CON 1999-CU 562 and is being dedicated for street right-of-way purposes.

Planning Staff recommends that the Dedication be accepted.

2/5. DED2000-27 - Dedication of a Utility Easement from Fidelity Investment Company (H. Clay Bastian, President) for property located on the northwest corner of Central and Westlink Avenue.

OWNER/APPLICANT: H. Clay Bastian, Fidelity Investment Company, 100 E. English, Wichita, KS 67202

LEGAL DESCRIPTION: The north 10 feet of the following described tract:

All of the south 200 feet of Block 31, except the west 850 feet thereof, in Westlink Village Second Addition.

PURPOSE OF DEDICATION: This Dedication is a requirement of Lot Split No. SUB 2000-72 and is being dedicated for construction and maintenance of public utilities.

Planning Staff recommends that the Dedication be accepted.

2/6. DED2000-28 - Contingent Dedication of street right-of-way from Fidelity Investment Company (H. Clay Bastian, President) for property located on the northwest corner of Central and Westlink Avenue.

OWNER/APPLICANT: H. Clay Bastian, Fidelity Investment Company, 100 E. English, Wichita, KS 67202

LEGAL DESCRIPTION: The south 10 feet of the following described tract:

All of the south 200 feet of Block 31, except the west 850 feet thereof, in Westlink Village 2nd Addition, Sedgwick County, Kansas.

PURPOSE OF DEDICATION: This Contingent Dedication of Street Right-of Way is a requirement of Lot Split No. SUB 2000-72 and is being dedicated for an additional 10-feet of right-of-way for Central.

Planning Staff recommends that the Contingent Dedication be accepted.

2/7. SUB2000-24 - Final Plat of CHURCH OF THE MAGDALEN ADDITION, located on the northwest corner of 127th Street East and 21st Street North.

- A. As this site is adjacent to Wichita's city limits, the Applicant shall submit a request for annexation. Upon annexation, the property will be zoned SF-6, Single-Family Residential.
- B. City Engineering needs to comment on the need for guarantees or easements. The Applicant shall provide a guarantee for the extension of sanitary sewer and City water services.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning department for recording.
- D. City/County Engineering needs to comment on the status of the applicant's drainage plan. County Engineering has required a copy of the final drainage plan to verify how off-site drainage is to be handled. City Engineering has approved the drainage plan and has required a cross-lot drainage easement. The minimum building elevation appears to be too low.
- E. County/Traffic Engineering needs to comment on the access controls. The plat proposes two access openings along 21st Street North and two access openings along 127th Street East. County Engineering requests that the entry access be coordinated with the streets and entrances on the south side of 21st Street. On the final plat, the dedication of access controls shall be referenced in the plat's text.
- F. County/Traffic Engineering needs to comment on the need for any improvements to perimeter streets. The Applicant shall provide a guarantee for the construction of a left turn bay on 21st Street and the construction of a paved road to County standards on 127th Street East along the plat's frontage.
- G. County Surveying requests a benchmark elevation.
- H. Access to 127th Street East will require a release to cross the pipeline.
- I. The applicant shall submit a covenant regarding the ownership and maintenance of the proposed reserves.
- J. In the plat's text, the word "Reserve" shall be corrected.
- K. The 35' building setback lines along the tapers on the road rights-of-way need to be parallel with the new property lines.
- L. The 35' building setback along 127th Street needs increased to include the pipeline setback with a definite dimension with respect to the plat.
- M. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves in the event the

owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.

- N. The applicant shall submit a copy of the instrument which establishes the pipeline easements on the property, which verifies that the easements shown are sufficient and that utilities may be located adjacent to and within the easements.
- O. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- P. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- Q. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- R. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-729-0102) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- S. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- T. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- U. Perimeter closure computations shall be submitted with the final plat tracing.
- V. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- W. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- X. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

NEIL STRAHL, Planning staff "This is a reconsideration of the Church of the Magdalen Addition. This is on the northwest corner of 127th East and 21st Street North. It was approved in May, 2000 by the Planning Commission, but has not been to the City Council yet. We were recently informed by the applicant of the desire to reduce the size of the plat to the configuration as you see it here. This previously was about 1300 feet east/west and now it is a little less than 500 feet east/west dimension pursuant to a sale. This will not affect any of our platting conditions relative to access or guarantees, and we are looking for approval of this reconfigured plat."

CARRAHER "Are there any questions of staff regarding this issue? Thank you, Mr. Strahl. What is the pleasure of the Commission?"

MOTION: That the Planning Commission recommend to the governing body that the request be approved, subject to staff comments.

WARREN moved, **OSBORNE-HOWES** seconded the motion, and it carried unanimously (12-0).

CARRAHER "Since these are public hearing items, I want to see if there is anyone in the gallery who is wishing to speak either in favor or in opposition to either issue? Seeing none, Mr. Strahl, do you have anything to add in regards to issues 3/1 or 3/2?"

STRAHL "No."

CARRAHER "With that in mind, I will bring it to the Commission. Are there any questions or commentary with regards to these items?"

MOTION: That the Planning commission recommend to the governing body that this request be approved, subject to staff recommendations.

GAROFALO moved, **OSBORNE-HOWES** seconded the motion, and it carried unanimously (12-0).

3/1. VAC2000-00042 - Request to vacate a utility easement, located west of 127th Street East, north of Lincoln, South of the Kansas Turnpike.

OWNER/APPLICANT: International Trading Inc.

AGENT: MKEC Engineering Consultants

LEGAL DESCRIPTION: The east 5 feet of Lot 15, Block 1, and the west 5 feet of Lot 16, Block 1, Woodland Lakes Estates 2nd Addition to Wichita, Sedgwick County, Kansas.

REASON FOR REQUEST: To allow for a boundary shift.

CURRENT ZONING: "SF-6" Single-Family Residential

The Applicant is requesting to vacate a 20-foot utility easement along the shared boundary line of Lots 15 and 16 to allow for a boundary shift. The boundary shift will involve Lots 14 through 18, and will result in the creation of two additional lots.

Based upon the information available prior to the public hearing, staff recommends the MAPC make the following findings and recommendation to the City Council:

A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time September 26, 2000, which was at least 20 days prior to this public hearing.
2. That no private rights will be injured or endangered by the vacation of the above-described utility easement, and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner(s), the prayer of the petition ought to be granted.

Therefore, the vacation of the utility easement described in the petition should be approved.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval.

3/2. VAC2000-00043 - Request to vacate a drainage dedication, located south of Kellogg, west of the Kansas Turnpike.

OWNER/APPLICANT: Seldin Development & Management Co., Attn: Ted Seldin

AGENT: Baughman Company, P.A.

LEGAL DESCRIPTION: The 80 foot drainage dedication platted in East Turnpike Entrance 2nd Addition to Wichita, Sedgwick County, Kansas

REASON FOR REQUEST: Future site development

CURRENT ZONING: "GO" General Office

The Applicant is requesting to vacate an 80-foot drainage dedication along the northeastern property line of the East Turnpike Entrance 2nd Addition to allow for future site development. The Applicant will replace this surface drainage with a storm sewer within a 20-foot drainage easement.

Based upon the information available prior to the public hearing, staff recommends the MAPC make the following findings and recommendation to the City Council:

A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time September 26, 2000, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by the vacation of the above-described drainage dedication, and the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner(s), the prayer of the petition ought to be granted.
- B. Therefore, the vacation of the drainage dedication described in the petition should be approved subject to the following conditions:
1. The Applicant shall dedicate a 20-foot drainage easement by separate instrument to cover the storm sewer.
 2. The Applicant shall submit a guarantee for the construction of the storm sewer.
 3. The Applicant shall grant a temporary easement by separate instrument to cover the existing ditch until construction of the storm sewer.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval, subject to

1. The Applicant shall dedicate a 20-foot drainage easement by separate instrument to cover the storm sewer.
2. The Applicant shall submit a guarantee for construction of the storm sewer.
3. The Applicant shall grant a temporary easement by separate instrument to cover the existing ditch until construction of the storm sewer.

CHRIS CARRAHER, Chair, read the following zoning procedural statement which is applicable to all City of Wichita zoning cases:

Before we begin the agenda, I would like to take this opportunity to welcome members of the public to this meeting of the Metropolitan Area Planning Commission. Copies of the agenda for today's meeting, the public hearing procedure, and copies of staff reports on zoning items are available at the table nearest to the audience.

The Commission's bylaws limit the applicant on a zoning or subdivision application and his or her representative(s) to a total of ten minutes of speaking time at the start of the hearing on that item, plus up to two minutes at the conclusion of that hearing. All other persons wishing to speak on agenda items are limited to five minutes per person. However, if they feel that it is needed and justified, the Commission may extend these times by a majority vote.

All speakers are requested to state your name and address for the record when beginning to speak. When you are done speaking, please write your name and address, and the case number, on the sheet provided at the table nearest to the audience. This will enable staff to notify you if there are any additional proceedings concerning that item. Please note that all written and visual materials you present to the Commission will be retained by the Secretary as part of the official record. If you are not speaking, but you wish to be notified about future proceedings on a particular case, please sign in on that same sheet.

The Planning Commission is interested in hearing the views of all persons who wish to express themselves on our agenda items. However, we ask all speakers to please be as concise as possible, and to please avoid long repetitions of facts or opinions which have already been stated.

For your information, the Wichita City Council has adopted a policy for all City zoning and vacation items, which is also available at the table with the other materials. They rely on the written record of the Planning Commission hearings and do not conduct their own additional public hearings on these items.

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4. **ZON2000-00015** - Sedgwick County Zone change from "SF-20" Single-family Residential to "LI" Limited Industrial on 18 acres of property located one-fourth mile south of Pawnee on the west side of 119th Street West.

CARRAHER "We have received notice earlier today in regards to this item that it has been withdrawn."

JOHNSON "It has been withdrawn or do they want to postpone it?"

GAROFALO "I think they want to postpone it."

WARREN "Postpone it, yeah."

GAROFALO "The letter says they want to postpone it."

DONNA GOLTRY, Planning staff "The letter is a little unclear. What they want to do is to turn it over into a Conditional Use application, which means they are withdrawing the zoning request and instead will be filing it as a rural home occupation Conditional Use request."

JOHNSON "So it is being withdrawn. The only thing I was going to say is that I don't know how many times we have postponed this, but I thought maybe we were going to postpone it again."

HENTZEN "In that case, do they have to pay a extra fee for the new application?"

KROUT "They will pay something extra because we will have most of our process to go through again, but I think we can use a formula in the past to make a deduction."

HENTZEN "Okay."

CARRAHER "Are there any further questions regarding withdrawing this case?"

JOHNSON "Do we need to make a motion?"

CARRAHER "I don't believe so, since it has been withdrawn."

CARRAHER "At the suggestion of the Planning Director and hopefully without any opposition from the Planning Commission, I would like to move Item 11 to be heard now."

Item taken out of order:

11. Comments for City Council on MIS Update (Floodway Bridges) study.

JAMSHEED MEHTA, Planning staff "At the last Planning Commission meeting, the consultant hired by the City of Wichita; Parsons Brinkerhoff made a presentation with a slide show of all alternatives that were considered as part of the analysis to update the major investment study back in 1994. I guess this meeting is primarily to see if, in fact, the Planning Commission has recommendations going to the City Council. There has been no date set as yet, but I am under the impression that what will probably transpire is a workshop session of the City Council sometime in the near future, followed by either action or receipt of the report by the Consultant so that they can either decide on the combination of projects, or single projects, and program things into the C.I.P.

Just as a preview as to what has happened so far regarding the Major Investment Study (MIS), this will only take about 5 minutes and I will yield the floor back for any decision to the Planning Commission. The 1994 study was the first round of this Major Investment Study, Northwest Wichita Traffic Congestion Relief Study. It ended up with three direct summary conclusions.

No. 1, build the 13th Street bridge, and as a corollary to that, mitigate any impacts associated with it to the neighborhoods. No. 2, while not as effective as 13th Street, widen the Zoo Boulevard intersection and interchange area. Part of that kind of a solution is already done. It was not a full-blown revamping of that interchange, but some solutions have been derived from it. The third suggestion in that 6-year old study was to build the 25th to 29th Street connection at a later date, depending on future growth.

Now shifting into the more nearer time, the 2030 Transportation Plan that was adopted by this body and the two governing bodies; in that plan there is specific language regarding bridges over the Big Ditch. Specifically, the language reads 'relieve the traffic demand or the floodway by building 13th and 25th Street bridges and improving the Central and I-235 Interchange. However, this improvement at the 25th Street bridge is not justified until the later years of this plan'. That is what the language reads in the existing Comprehensive and Transportation Plans. This information that we have provided you over the period of almost two years, while we were going through the update process of the Transportation Plan is the reason why you have this particular language inserted.

The MIS update and what the consultant presented to you two weeks ago, you will have the entire slide show in your minutes when those are prepared and sent to you, but if I can summarize what was the bottom line, basically the last two or three slides that came out of it. One crossing alone does not take care of the problem. So either 13th, 21st or 25th Street--a single crossing does not solve the 2030 traffic situation. A combination of those three crossings gets you a minimum acceptable level of service. The pairs I am referring to is 13th and 21st Streets; 21st and 25th, or 13th and 25th, but between these three, there has to be a couplet that could work, but in varying degrees.

The best level of service is with all three crossings. It is also the most expensive option. If you are to look at cost alone, then the cheapest combination is 13th and 25th Streets. That is the same combination that you have in the Transportation Plan. That is \$44 million for the two crossings. The results of this combination also help in the crossing problem near the Central interchange. If you do 21st Street with 25th Street, there would be no 13th Street in this option, it is more money--\$54 million now, and there is no relief of the situation at Central. When I am saying no relief, Central has to be improved, but 13th Street made a difference on helping that interchange resolve, that traffic problem. If you don't do 13th, there is no design that is yet known to us--some other Traffic Engineer might dispute this--that would solve the issue at Central as well.

If you take the other combination, the last of the three combinations, of 13th and 21st and then you don't have a 25th Street bridge, it has a lot of traffic related benefits, but it's cost is \$60 million. Thirteenth and 21st helps Zoo Boulevard, helps Central, but it's cost is \$60 million. So what you have in the adopted Transportation Plan at the moment is, in our opinion, the most cost-effective if you have to take two projects.

This was the summary as was presented. I don't think the consultant is calling for any one particular one as the final recommendation. I guess I shouldn't be speaking for them, but I haven't heard them conclusively say 'this is it'; however, they are saying that this is the most cost-effective in terms of meeting the traffic objective with the least cost. With that, I will take questions, or if you would like to make a motion, or any suggestion as to what language you would like to send down to the City Council."

CARRAHER "Are there any questions for staff regarding this matter?"

JOHNSON "I hope I am not totally off base, but it appeared to me, when they made that presentation to us that they felt like the \$60 million project--and I am not for spending extra money--they weren't leaning that way because it exceeded what the standards that need to be met today. I guess I am curious, though. If we don't look a little bit further in advance, will we end up with what we have at Kellogg and I-235 by not looking a little farther ahead on this? Could you answer that?"

MEHTA "The one which they weren't really pushing hard was the combination of all three."

JOHNSON "That is true."

MEHTA "That isn't \$60 million, it is \$79 million. I guess I have heard the term 'luxury' used, but I really don't think that would be luxury. That would be the ideal. You would have a crossing at every mile, just like you have on all of the other barriers through out the City, at I-135 or the river. Any of these other situations. It was 13th Street and 21st Street, which was, in that combination was \$60 million. It helps Central, it helps Zoo. But 21st is the northernmost crossing then, over the Big Ditch. Twenty-fifth to 29th, which is actually under design, there is no funding or program for actual construction, but it is already being designed, that would be an extra, a redundant situation. You would have 21st and you have 25th Streets, only half a mile apart. So in that context, the \$44 million solution, the cheapest of all of the combinations, which is 13th Street and 25th Street is what I was hearing the consultant say that you achieve both transportation objectives at the least cost."

MICHAELIS "I guess what I am hearing you say is that if we would do 25th Street, it wouldn't make a lot of sense to come back and do 21st Street. Is that correct?"

MEHTA "Yes."

MICHAELIS "Okay. And since everybody seems to think that the most economical and what is already in the plan is the 13th and 25th Street, it seems like that is the direction that we ought to head. From your recommendation, would you agree with that synopsis?"

MEHTA "Before the consultant was hired and put on board, we were doing these studies as we presented it to you, and we did study the 21st Street situations and other options as well. At that time, we felt that that was the better of all of the other combinations, short of providing all three. We have always said that, but there are some other implications of doing all three as well, because now we have a situation of 21st Street on either side, not prepared to handle that kind of traffic.

So right now, I want to say yes, our one-year old staff recommendations are more or less coinciding with what the consultant has presented to you."

MICHAELIS "With that in mind, I would be ready to make a motion."

MOTION: That the Metropolitan Area Planning Commission recommend to the governing bodies that the proposal of 13th and 25th Streets be done as per the plan and as per the consultant.

MICHAELIS moved, **MARNELL** seconded the motion.

LOPEZ "From the presentation, the least impact on residential and business, when it comes to taking property was 25th Street and 29th Street. The second least, if I remember correctly, was the 21st Street and 25th; and the one that had the most impact, when it came to taking property was 13th Street. When we discussed this prior, one of the recommendations

that I remember was 21st and 25th Streets. Cost-wise, it goes from \$44 million to \$54 million, from 13th and 25th to 21st and 25th, but it has the least impact. I don't know what your recommendation is, but I won't vote in favor of the motion. I would rather recommend the 21st/25th option because of the least impact on residences and businesses."

MEHTA "If property re-location is a factor, then yes, in terms of actual numbers, and this is just preliminary, coming from the consultants. By the time they do what is called environmental assessments, and you see what the design actually looks like, it is either higher or lower than the numbers they have mentioned so far. Twenty-First Street also has other implications which go beyond the scope of this study. We have perhaps briefly mentioned this in the last year and a half or two years with you as part of the plan update that then you have the continuity of 21st Street, which is great. It is really a street that goes from county line to county line, although no one does that kind of a commute.

But east of the floodway where 21st Street, especially in the vicinity between Broadway, Hood, Arkansas and the difficulty that would be of trying to work with a neighborhood plan, that does not want to see 21st Street any busier than what it is as a four lane right now, and you have that kind of continuity across the Big Ditch. Our feeling is that it changes the orientation of traffic and affects 21st Streets. So if it is only about property re-location in the immediate vicinity, due to the project, you are right, 13th Street takes the most amount of properties as a single project on its own. The implications of 21st go further--miles away."

LOPEZ "But those implications aren't what we are talking about here today. The improvements from Hood to 21st east of Broadway, or east to I-235, that is a separate issue altogether. You have never combined them before until now to start thinking about it. We are just talking about bridges across the Flood Control Ditch. That is all we are talking about."

JOHNSON "It wasn't too long ago that we had a situation here where we were going to start parking along some businesses on 21st Street to limit the amount of traffic that was going to be going through there. I think I have to agree with what you are saying and that is that it makes no sense to make a bunch of traffic to come across the Big Ditch and then funnel it down to a street where you are going to be parking cars along businesses in order to keep those businesses from relocating. I can see where it is not just an issue of whether it is on 21st Street or 13th Street. It is going to have to handle it on both sides of that bridge."

LOPEZ "If you remember, Commissioner Johnson, Marvin informed us that that improvement on 21st, even if it had parking on the north and south side was going to be to five lanes with parking. That was the recommendations. So if we went to five lanes, the flow would be adequately addressed through there. That is a separate issue."

OSBORNE-HOWES "I am going to take a slightly different tack on this. God knows I have been thinking about this for quite a while. I guess I feel that when a City develops a new area and has a responsibility for egress and ingress into that area, and to provide the infrastructure. I think the west part of Wichita was developed 40 to 45 years ago and really hasn't had good access. I think we should have stepped up to this several years ago. I think it is time to step up to it now and say that we definitely need a 13th Street bridge.

I remember looking at a house for on West 13th Street in the area that would be taken 17 years ago. It was for sale and my husband and I both agreed that truly there needed to be a bridge there, at some point, connecting a good chunk of our City that was being developed on the west side. That should have been done a long time ago. So I feel very comfortable myself, and I have said so to a number of people on a number of occasions that it needs to happen. I think at the very least, we need to look at two bridges, but I believe very strongly that 13th Street needs to be one of those bridges."

CARRAHER "Is there any further questions of commentary regarding the item on the floor? Or on the motion, for that matter. Seeing none, we will move into vote."

VOTE ON THE MOTION: The motion carried with 11 votes in favor. Lopez voted in opposition.

CARRAHER "Thank you, Mr. Mehta."

5. **Case No. CON2000-00035** - Jack E. and Gynnie C. Smith (Applicants/Owners) request a Conditional Use permit to permit ancillary parking on property described as:

Lot 1, Block 10 & N 250 part of Reserve A, adjacent on the west, Eichholtz Addition to the City of Wichita, Kansas Sedgwick County Kansas. Generally located 1/4 block south of Harry and on the west side of Green Street.

BARRY CARROLL, Planning staff, pointed out land use and zoning; and showed slides of the general area. He reviewed the following staff report:

BACKGROUND: The applicants are requesting a Conditional Use to permit ancillary parking in the "TF-3" Two-Family Residential District on a platted .08-acre tract of land. This property is located ¼ block south of Harry and west of Green Street. The application area is just south of a commercial cluster of buildings that are south of Harry and between Green Street on the east and Popular Street on the west (City Wide Appliances, Smith Shoe Shop, tire store, etc.). In May 1999, a tornado struck this commercial area and destroyed a BBQ business (former Dairy Queen building). There was damage

to structures and roofs of other businesses and residential homes as well. The applicants are in the process of building another commercial building just north of the application area (site of the former destroyed businesses) that will front Green Street. The applicants want to provide additional parking for an existing appliance store and the new building.

The applicants have recently purchased the residential property to the south of their commercial site (1621 South Green). They intend to use a portion of the northern part of the property for an ancillary parking lot. Currently there is a chain link fence just south of a vacated alley (VAC2000-00024) that runs east west between the existing commercial building, the building site to the east and the application area. The applicants will remove the chain link fence, construct a parking lot approximately 50 feet to the south and then erect a solid screening fence, of standard construction materials, along the southern perimeter of the parking lot. This area will serve as the ancillary parking lot for the one commercial building and the commercial building that is currently being built to the north. The proposed parking lot will have a single 24-foot entrance along the west side of Green Street that lines up with the alley across Green Street to the east. Additionally, there is a six-foot wooden screening fence provided to the west.

The applicants have submitted a site plan that shows an ancillary parking lot that has 11 parking spaces. The guidelines of the Unified Zoning Code requires that off-street parking and loading facilities be provided for any new building being constructed. In addition, one of required parking spaces would be specifically designated, located and reserved for use by persons with disabilities. The current site plan lacks specificity and is unclear. The applicant will need to submit a revised site plan and landscape plan to be approved by staff.

On September 21, 2000, the MAPC Members voted 10-0 to return this request to the District Advisory Board (DAB) for District III. On October 3, 2000 the DAB-III voted 10-0 to recommend approval subject to the MAPD staff report and revised conditions (see "Conditions of Approval").

CASE HISTORY: The application area (Lot 1) was platted in May 1887 as the Eicholtz Addition.

ADJACENT ZONING AND LAND USE:

NORTH:	"LC" Limited Commercial	Commercial Buildings
EAST:	"SF-6" Single-Family Residential	Single-Family Residence
SOUTH:	"SF-6" Single-Family Residential	Single-Family Residence
WEST:	"SF-6" Single-Family Residential	Single-Family Residence

PUBLIC SERVICES: Water and sewer services are available but will not be required for the proposed ancillary parking lot. 1999 traffic volumes along Harry, near Green, were estimated at 24,005 average daily trips (ADTs). 2030 projections are estimated to be 28,487 ADTs. Traffic volumes (ADTs) along Green Street are not rated.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "low density residential" uses. This low density residential category provides for the lowest density of urban residential land use and consists of single-family detached homes, zero lot line units, cluster subdivision and planned developments with a mix of housing types that may include townhouses and multi-family units. Schools, churches and other similar uses are also found in this category. This request for ancillary parking does not conform to the designation of the Land Use Guide of the Comprehensive Plan for "low density residential" uses. There are, however, commercial uses directly north and northwest of the application area that are zoned "LC" Limited Commercial. There are also commercial uses one-half block to the east along and south of Harry. The Wichita Residential Area Enhancement Strategy Map shows this area as being appropriate for "revitalization" efforts.

RECOMMENDATION: Based on the information available prior to the public hearing, and a site plan showing the location of the ancillary parking lot, MAPD staff recommends the application be APPROVED, subject to the following conditions:

1. The applicants will submit a revised site plan for approval by the Planning Director.
2. The Conditional Use shall only be permitted for an ancillary parking lot. There will no parking of commercial vehicles without amending the Conditional Use permit.
3. The ancillary parking lot shall be well lighted with the lights shielded from adjacent properties.
4. The ancillary parking lot shall be paved and properly striped.
5. Parking lot screening and street yard landscaping on the east side of the lot, and buffer trees along the south and west property lines, shall be planted and maintained according to a plan submitted to and approved by the Planning Director.
6. There will be one parking slot designated for handicapped parking. All parking spaces reserved for persons with disabilities shall comply with the size requirements of the Americans with Disabilities Act and other applicable codes.
7. The applicants shall erect and maintain a six-foot fence, of standard construction materials, along the southern perimeter of the ancillary parking lot, and shall maintain the existing six-foot wooden fence along the west perimeter of Reserve "A" of the ancillary parking lot.

8. There shall be screening provided for all dumpsters and/or trash receptacles that may be placed in the rear (west end) of the ancillary parking lot.
9. The applicant shall retain and maintain existing plantings along the eastern edge of the property adjacent to Green Street.
10. The applicants will maintain his property and keep it free of debris.
11. The applicants shall submit a landscape plan for approval by the Director of Planning that complies with the Landscaping Ordinance.
12. Any violation of the conditions approved, as a part of this request, shall render the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: There are single-family homes located to the south, west and east that are zoned "SF-6" Single-Family Residential. The Chisholm Life Skills Center building is located one block south of the application area. The business properties directly to the north, and south of Harry between Green and Popular Streets, are zoned "LC" Limited Commercial. There are a number of commercial businesses in this one block area.
2. Extent to which removal of the restrictions will detrimentally affect nearby property. Staff is recommending that the applicants erect a six-foot screening fence, constructed of standard building materials, along the southern property line, maintain an existing wooden fence along the western property line and add landscaping along the property line abutting residential lots in an effort to minimize any negative impact to nearby properties.
3. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "low density residential" uses. This low density residential category provides for the lowest density of urban residential land use and consists of single-family detached homes, zero lot line units, cluster subdivision and planned developments with a mix of housing types that may include townhouses and multi-family units. Schools, churches and other similar uses are also found in this category. This request for ancillary parking does not conform to the designation of the Land Use Guide of the Comprehensive Plan for "low residential" uses. There are, however, commercial uses directly north and northwest of the application area that is zoned "LC" Limited Commercial. There are also commercial uses one-half block to the east along and south of Harry. The Wichita Residential Area Enhancement Strategy Map as being appropriate for "revitalization" efforts classifies this area. Over the years, the MAPC and City Council have had an informal policy of generally supporting requests to expand existing businesses.
4. The suitability of the subject property for the uses to which it has been restricted: The property is currently zoned "SF-6" and is developed with a single-family home. Based upon the requirements of the Unified Zoning Code requirements for ancillary parking, the applicants are required to obtain a Conditional Use in order to use this property for ancillary parking purposes.
5. Impact of the proposed development on community facilities: The business expansion planned to the north with this parking lot to will generate additional traffic along Green Street. The proposed ancillary parking lot will minimize on-street parking.

CARROLL "You were given a revised staff report on this. It has a blue cover sheet. To summarize, the MAPC considered this on the 21st of September and voted 10-0 to return it to the District Advisory Board. On October 3, 2000, the District Advisory Board for District No. 3 voted 10-0 to recommend approval. The applicant and the neighbors got together and reached a consensus.

We are recommending approval, subject to the recommendations found on Pages 3 and 4. I might add that Recommendations No. 3, 8, 9 and 10, were as a result of the District III D.A.B. meeting. I think everyone left that meeting in good spirits. The meeting seemed to be very productive. I will stand for any questions you might have."

CARRAHER "Are there any questions of staff regarding this matter? Thank you, Mr. Carroll. Would the applicant like to speak to the item? Is the applicant in attendance?"

CARROLL "I don't think so."

CARRAHER "Okay. Is there anyone in the gallery here to address this issue either for or against? Seeing none, we will move it back to the Commission."

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into consideration the staff findings (The zoning, uses

and character of the neighborhood: There are single-family homes located to the south, west and east that are zoned "SF-6" Single-Family Residential. The Chisholm Life Skills Center building is located one block south of the application area. The business properties directly to the north, and south of Harry between Green and Popular Streets, are zoned "LC" Limited Commercial. There are a number of commercial businesses in this one block area. Extent to which removal of the restrictions will detrimentally affect nearby property. Staff is recommending that the applicants erect a six-foot screening fence, constructed of standard building materials, along the southern property line, maintain an existing wooden fence along the western property line and add landscaping along the property line abutting residential lots in an effort to minimize any negative impact to nearby properties. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "low density residential" uses. This low density residential category provides for the lowest density of urban residential land use and consists of single-family detached homes, zero lot line units, cluster subdivision and planned developments with a mix of housing types that may include townhouses and multi-family units. Schools, churches and other similar uses are also found in this category. This request for ancillary parking does not conform to the designation of the Land Use Guide of the Comprehensive Plan for "low residential" uses. There are, however, commercial uses directly north and northwest of the application area that is zoned "LC" Limited Commercial. There are also commercial uses one-half block to the east along and south of Harry. The Wichita Residential Area Enhancement Strategy Map as being appropriate for "revitalization" efforts classifies this area. Over the years, the MAPC and City Council have had an informal policy of generally supporting requests to expand existing businesses. The suitability of the subject property for the uses to which it has been restricted: The property is currently zoned "SF-6" and is developed with a single-family home. Based upon the requirements of the Unified Zoning Code requirements for ancillary parking, the applicants are required to obtain a Conditional Use in order to use this property for ancillary parking purposes. Impact of the proposed development on community facilities: The business expansion planned to the north with this parking lot to will generate additional traffic along Green Street. The proposed ancillary parking lot will minimize on-street parking.) I move that we recommend to the governing body that the request be approved, subject to the following:

1. The applicants will submit a revised site plan for approval by the Planning Director.
2. The Conditional Use shall only be permitted for an ancillary parking lot. There will no parking of commercial vehicles without amending the Conditional Use permit.
3. The ancillary parking lot shall be well lighted with the lights shielded from adjacent properties.
4. The ancillary parking lot shall be paved and properly striped.
5. Parking lot screening and street yard landscaping on the east side of the lot, and buffer trees along the south and west property lines, shall be planted and maintained according to a plan submitted to and approved by the Planning Director.
6. There will be one parking slot designated for handicapped parking. All parking spaces reserved for persons with disabilities shall comply with the size requirements of the Americans with Disabilities Act and other applicable codes.
7. The applicants shall erect and maintain a six-foot fence, of standard construction materials, along the southern perimeter of the ancillary parking lot, and shall maintain the existing six-foot wooden fence along the west perimeter of Reserve "A" of the ancillary parking lot.
8. There shall be screening provided for all dumpsters and/or trash receptacles that may be placed in the rear (west end) of the ancillary parking lot.
9. The applicant shall retain and maintain existing plantings along the eastern edge of the property adjacent to Green Street.
10. The applicant will maintain his property and keep it free of debris.
11. The applicants shall submit a Landscape Plan for approval by the Director of Planning that complies with the Landscaping Ordinance.

12. Any violation of the conditions approved, as a part of this request, shall render the Conditional Use null and void.

MARNELL moved, **HENTZEN** seconded the motion.

CARRAHER "Are there any questions or commentary regarding the item?"

PLATT "I hate to be opposed to this in light of the fact that we did get the applicant and the neighborhood together and we have the District Advisory Board supporting it, but I am going to vote against it. I spent considerable time driving around in the daytime and in the evening and I think this issue results from an error which, in my opinion, was made earlier when we approved the vacation of the alley. If I had known before that proposal to vacate the alley was a 'foot in the door' type proposal, I would have opposed that. We've got a nice situation along there where the alleys have provided a good buffer between pretty decent residential housing and the commercial along Harry.

The alleys did a good job because it allowed a person to have a back yard and then there was an alley, and across the alley was, in essence, the wall, provided by the one or two story business building. It really separated the commercial from the residential. Now, we are going to move into the residential area with commercial, and I don't like it. I think it is a terrible precedent to start, and I can see it happening all over town as people now say, 'well, you are now going to let us start taking down houses and pushing back into the residential area'. Worse, I think, is the idea that we are going to have parking behind the building. It seems to me that this is a very bad precedent. We have an area that is completely hidden from the street, and to put the parking behind the building next to residential areas is fundamentally wrong. I am going to vote against the motion."

CARRAHER "Is there any further questions or commentary with regards to the motion?"

GAROFALO "I have thought about this a lot. I am real familiar with the area and I thought that the neighbors getting together with the applicant would be a good thing, but I am kind of in agreement with Commissioner Platt. I think that is not a particularly good move to move into that residential area. I am really concerned about the fact that it is behind that, way off of Harry Street and some of the activities that could go on there, as described at the last meeting by some of the neighbors. It is really distressing to me, so I think I can't support the motion to approve it either."

CARRAHER "Okay. Are there any further questions or commentary regarding the motion on the floor? Seeing none, we will move into a roll call vote."

VOTE ON THE MOTION: The motion carried with 8 votes in favor (Warren, Johnson, Warner, McKay, Carraher, Marnell, Hentzen and Lopez) and 4 in opposition (Osborne-Howes, Platt, Michaelis and Garofalo).

6. **Case No. CON2000-00039** - Robert N. and Debra R. Gideon (Applicant/Owner); Life Designs, c/o Stephen A. Menke (Agent) request a Conditional Use to allow an accessory apartment on property described as:

Beginning 2310 feet North of the Southwest corner of the East half of the Southwest quarter; thence North 165 feet; thence East 640 feet; thence South 165 feet; the West 640 feet to point of beginning in Section 21, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County Kansas. Located approximately 350 feet south of 2nd Street North on the west side of Socora (239 North Socora).

DONNA GOLTRY, Planning staff, pointed out land use and zoning; and showed slides of the general area. She reviewed the following staff report:

BACKGROUND: The applicant is requesting a "Conditional Use" to allow an accessory apartment on 2.42 acres of unplatted property zoned "SF-6" Single-Family Residential. The request is being made to provide housing and care for an aging parent.

The existing home sits toward the front of the property, approximately 65 feet from Socora Drive. The proposed location of the accessory apartment, which is a 20-foot by 30 foot ECHO cottage unit, is behind the existing home, 200 feet from the front property line. It would be approximately 85 feet from the north property line and 65 feet from the south property line. The accessory apartment will be similar in color and general design to the primary home. It will have white hardboard lap siding with gray trim. Access to the apartment is from a walkway and ramp from the existing residence. Parking will be provided off the existing driveway next to the garage.

ECHO housing units are modular, energy-efficient, handicapped-accessible living units that are placed adjacent to an existing home, usually for occupancy by a relative. The units are designed for individuals who, because of a handicap or mental incapacity, are unable to stay at home alone, yet do not require skilled services of a nursing home. These homes can be removed from the premises when no longer needed, but the applicant will likely keep the cottage on-site indefinitely for use as a guesthouse.

The surrounding property to the north, east, and south are similarly sized unplatted lots with single-family homes. Evergreen Place, a residential subdivision of one-acre lots, is located to the west. The closest adjacent property line to

Evergreen Place Subdivision is approximately 400 feet. A similar request for an ECHO cottage was approved on the east side of Socora Drive about one-half block south of the current request in 1999 (CU-549).

As per the Unified Zoning Code, the "Conditional Use" requirements for accessory apartments stipulate:

- (a) that a maximum of one accessory apartment may be allowed on the same lot as a single-family dwelling;
- (b) that the appearance of an accessory apartment shall be compatible with the main dwelling and with the character of the neighborhood; and
- (c) that the accessory apartment shall remain accessory to and under the same ownership as the principal single-family dwelling, including that it shall not be subdivided or sold as a condominium.

The request meets these requirements.

CASE HISTORY: The property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH: "SF-6" Single-family	Residence
SOUTH: "SF-6" Single-family	Residence
EAST: "SF-6" Single-family	Residence
WEST: "SF-6" Single-family	Residence

PUBLIC SERVICES: The applicant has municipal sewer service, but has a private well for water supply.

Access to this site is off of Socora Drive, an unimproved residential street with 40 feet of right-of-way. The City has required dedication of 10 feet of additional right-of-way prior to issuance of building permits for three other properties along Socora (D-1733, D-1681, and D-1532). The City would request this additional dedication, as well as the property owner to sign an agreement not to protest future street improvements.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the 1999 Comprehensive Plan Update designates this area as being appropriate for "low density residential." By definition, low density residential has a density range of 1 to 6 units per acre, and includes single-family detached homes, zero lot line units and cluster subdivisions.

RECOMMENDATION: Based upon information available prior to the public hearing, Staff recommends that the request be APPROVED, subject to dedication of an additional 10 feet of right-of-way on Socora Drive and subject to the following conditions:

- 1. The accessory apartment shall be subject to all requirements of Section III-D.6.a of the Unified Zoning Code.
- 2. The applicant shall obtain all applicable permits, including but not limited to: building, health, and zoning.
- 3. Off-street parking shall be provided to the north of the existing garage and be connected to the existing driveway.
- 4. The owner of the property shall reside on-site, either in the main home or the accessory apartment.
- 5. The site shall be developed in general conformance with the approved site plan.
- 6. Any violation of these conditions shall render this Conditional Use Permit null and void.

The staff's recommendation is based on the following findings:

- 1. The zoning, uses and character of the neighborhood: The surrounding zoning is "SF-6" Single-family. Placement of this accessory apartment does not violate the density requirements for the "SF-6" zoning district. The apartment would be similar to the primary structure in residential character. It would be similar to an existing ECHO cottage one-half block south of the application area.
- 2. The suitability of the subject property for the uses to which it has been restricted: Accessory apartments are allowed as a "Conditional Use" in "SF-6" provided the applicant and the site meet the specified criteria. The applicant and the site appear to meet these criteria.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Any detrimental effect should be minimized by the large size of the lot. The placement of the ECHO apartment generously meets zoning setback requirements and does not violate the density requirements of the surrounding area. The apartment will be placed toward the center of the deep lot, so as not to be as immediately visible from the street or surrounding properties.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The Unified Zoning Code makes specific provision for accessory apartments in "SF-6". This application appears to comply with all the provisions outlined in the UZC for accessory apartments. Approval of the request would not be contrary to any Comprehensive Plan policies or guidelines.
5. Impact of the proposed development on community facilities: The applicants' request should have a minimal impact on community facilities.

GOLTRY "This request is for an accessory use similar to one you saw about a year ago, also on Socora further to the south and on the east side, by Echo Homes, which builds small modular housing units that are 20 x 30 in size and can be blended in with the surrounding character of the residences by trying to blend with the existing materials of the existing residences.

It is designed, most of the time, for handicap access, etc., so it is designed to be able to provide for an aging parent or a person with medical reasons. This is the site plan as proposed. There are two other outbuildings on the site already because it is an exceptionally deep lot. It is 2.42 acres, very deep. It is deep enough that you can go back to the middle of the lot and carve it in half and still have another 300-foot lot on the other side. There is a swimming pool and they are proposing a small extension to the existing drive to be able to park an off-site vehicle. The existing residence is a white structure, so they are proposing white hardboard siding with gray trim.

They meet the conditions for an accessory apartment; they have plenty of room. The one thing we did note is that, up and down Socora, as properties have been built, and they have issued building permits, they are exempt from platting because the lots were already separated into separately owned lots prior to subdivision (development) in this area. But as they come in for building permits, the City has been accumulating dedications of 10 feet additional right-of-way on either side of Socora, so we have requested that same 10-foot dedication of right-of-way as has been done on some of the properties along Socora Drive. That would be one additional recommendation, plus the other recommendations that are contained on Page 3. I believe the applicant is here as well as his agent, and I will stand for questions."

CARRAHER "Are there any questions of staff regarding the item?"

GAROFALO "On the conditions, maybe you can refresh my memory, but on some of these others that we have approved, haven't we required, or had in the conditions that the building would be removed or something at a certain time? Or am I thinking of something else?"

GOLTRY "There was discussion about having it be removed on the other one on Socora Drive; it was not included as one of the recommendations. As I look back at the testimony on that one, I believe that a comment was made that they planned to keep it there as a guest house afterwards, and I had asked the applicant that question as well, did they plan to remove it. He indicated that they didn't plan to. I think that is something that you can consider if you wish."

KROUT "Just as further explanation, we do have another provision in the Code, and maybe that is what Commissioner Garofalo is referring to. It really refers to unincorporated areas on large lots where we allow a mobile home to be placed temporarily for family members with medical problems. This is not a mobile home and will be put on a permanent foundation. But this could be a temporary accessory use. It doesn't have to be for a family member or anyone else, but it is such a large lot it is infill of a sort."

HENTZEN "Donna, do you know how many other dedications of frontage that the City has required?"

GOLTRY "Four, as I recall. Either three or four up and down that street."

HENTZEN "I see. Do you know if the City paid those people for that property?"

GOLTRY "They were dedications. I presume not, because I checked with O.C.I. to see what their policy would be, and they would be requiring the dedication at the time of issuing building permits."

HENTZEN "In other words, for a building permit for something that we think they ought to do, we are going to bribe them into giving us 10 foot more, huh?"

GOLTRY "Well, normally, they would be platting the property and they are exempt from platting. If they were doing platting, then they would be dedicating the property. This is a way to allow them to be exempt from platting but still get the dedication."

HENTZEN "Okay. This is the taking of the ??maybe branch or ranch property. I am going to vote for the motion, but I just want you to know what you are doing."

CARRAHER "Are there any further questions of staff regarding the item? Thank you, Ms. Goltry. Would the applicant care to speak in regard to the item?"

STEVE MENKE "I am with Life Designs. Thank you for giving me the opportunity to speak again for the very important concept of Echo Housing. This is the sixth time I have had the pleasure of presenting before your group.

Again, Echo Housing is the opportunity to allow older people to be close to their children, thus saving the possibility of expensive assisted living and/or very expensive nursing home care. In this case, Mr. Gideon is proposing the care for his mother. Mr. Gideon is here and will speak in just a second. His mother is next to him. This will be a very beneficial thing to improve her life.

The building we have is a quality building. There have been other ones built in town. We follow all of the local building codes as we are building the units. I have a video that I previously presented and if there is somebody that wanted to see the video, we could show it, but I presume that that is somewhat plowing the same ground twice. So, it is here if you want it, but I will just end my comments with that. If there are any questions of me, I will answer them; otherwise, Mr. Gideon wanted to say a couple of words."

CARRAHER "Are there any questions of Mr. Menke? Seeing none, Mr. Gideon, would you like to speak?"

ROBERT GIDEON "My Mother, Mildred, had a little stroke this summer. She can take care of herself in every way like she did before, except she can't make decisions on what she needs to do. So she would be close enough at hand that we can help her with that part of it. She lived on the farm of five acres up until that point by herself, taking care of herself and we can just do the assistance that we need to and let her live her life the way she has been until things get worse. That is the whole purpose of this and the reason we are doing it. Are there any questions?"

CARRAHER "Are there any questions of Mr. Gideon? Thank you, Mr. Gideon. We will move to the gallery. Is there anyone in the gallery either to speak in favor of or in opposition to this item? Seeing none, we will move it back to the Commission."

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into consideration the staff findings (The zoning, uses and character of the neighborhood: The surrounding zoning is "SF-6" Single-family. Placement of this accessory apartment does not violate the density requirements for the "SF-6" zoning district. The apartment would be similar to the primary structure in residential character. It would be similar to an existing ECHO cottage one-half block south of the application area. The suitability of the subject property for the uses to which it has been restricted: Accessory apartments are allowed as a "Conditional Use" in "SF-6" provided the applicant and the site meet the specified criteria. The applicant and the site appear to meet these criteria. Extent to which removal of the restrictions will detrimentally affect nearby property: Any detrimental effect should be minimized by the large size of the lot. The placement of the ECHO apartment generously meets zoning setback requirements and does not violate the density requirements of the surrounding area. The apartment will be placed toward the center of the deep lot, so as not to be as immediately visible from the street or surrounding properties. Conformance of the requested change to adopted or recognized Plans/Policies: The Unified Zoning Code makes specific provision for accessory apartments in "SF-6". This application appears to comply with all the provisions outlined in the UZC for accessory apartments. Approval of the request would not be contrary to any Comprehensive Plan policies or guidelines. Impact of the proposed development on community facilities: The applicants' request should have a minimal impact on community facilities.) I move that we recommend to the governing body that the request be approved, subject to dedication of an additional 10 feet of right-of-way on Socora Drive and the following conditions:

1. The accessory apartment shall be subject to all requirements of Section III-D.6.a of the Unified Zoning Code.
2. The applicant shall obtain all applicable permits, including but not limited to: building, health, and zoning.
3. Off-street parking shall be provided to the north of the existing garage and be connected to the existing driveway.
4. The owner of the property shall reside on-site, either in the main home or the accessory apartment.
5. The site shall be developed in general conformance with the approved site plan.
6. Any violation of these conditions shall render this Conditional Use Permit null and void.

JOHNSON moved, **LOPEZ** seconded the motion, and it carried unanimously (12-0).

7. **ZON2000-00045** - Ray H. Hull (Owner/Applicant); Baughman Company, P.A. c/o Philip J. Meyer (Agent) request a zoning change from "SF-6" Single-Family to "LC" Limited Commercial on property described as:

Beginning at a point in the East line of the Northeast Quarter of Section 20, Township 27 South, Range 1 West of the 6th P.M., and 877.75 feet South of the Northeast Corner of the Northeast Quarter of said Section 20; thence West parallel with the North line of said Section 20, a distance of 230 feet; thence South 94.70 feet; thence East 230 feet to a point in the East line of said Section 20; thence North 94.70 feet to the point of beginning. The East 40 feet thereof reserved for road purposes, all in Sedgwick County, Kansas. Located approximately 875 feet south of Central on the west side of Tyler.

SCOTT KNEBEL, Planning staff, pointed out land use and zoning; and showed slides of the general area. He reviewed the following staff report:

BACKGROUND: The applicant requests a zone change from "SF-6" Single-Family to "LC" Limited Commercial on a 0.41 acre unplatted tract located approximately 875 feet south of Central on the west side of Tyler. The subject property is currently developed with a single-family residence. The applicant proposes to redevelop the site for commercial use.

The surrounding area is characterized by commercial and multi-family residential uses with two single-family residences (other than the subject property) remaining in the area (one north and one south of the subject property). With the exception of these single-family residences (which are zoned "SF-6" Single-Family), all of the property surrounding the site is zoned "LC" Limited Commercial. The property immediately west of the site is developed with apartments. The properties north of the site are developed with vehicle repair, retail, restaurant, and bank uses. The properties east of the site across Tyler are developed restaurant, self-storage warehouse, retail, bank, office, and car wash uses. The properties south of the site are developed with multi-family and retail uses.

CASE HISTORY: The site is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH: "SF-6 & LC"	Single Family; Vehicle Repair, Limited; Retail, General; Restaurant; Bank/Financial Institution
SOUTH: "SF-6 & LC"	Single-Family; Multi-Family; Retail, General
EAST: "LC"	Restaurant; Warehouse, Self-service Storage; Retail, General; Bank/Financial Institution; Office, General; Car Wash
WEST: "LC"	Multi-Family

PUBLIC SERVICES: The site has access to Tyler, a four-lane arterial street with 1997 traffic volumes of approximately 18,500 vehicles per day. The 2030 Transportation Plan estimates that the traffic volume on Tyler will increase to approximately 22,800 vehicles per day. The City's Capital Improvement Program includes a project to widen Tyler to five lanes from Maple to Central in 2007. Given the high traffic volumes on Tyler and the corresponding need to add a center turn lane in the future, planning staff will recommend the following conditions at the time of platting: limiting access to Tyler to the north end of the subject property; lining-up this opening with the opening across Tyler to the east; permitting cross-lot access to this opening to the property to the north if it develops with a non-residential use; and providing 50 feet of half-street right-of-way for Tyler. Public water and sewer currently serve the site.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the 1999 Update to the Comprehensive Plan identifies this area as appropriate for "Commercial" development. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. Given the existing screening from the multi-family use to the west and the likelihood that the single-family uses to the north and south will also convert to commercial use in the future, planning staff finds that the proposed use of the subject property meets these locational guidelines for commercial development.

RECOMMENDATION: Based upon the information available prior to the public hearings, planning staff recommends that the request be APPROVED subject to platting within one year.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The requested "LC" Limited Commercial zoning is consistent with the zoning of surrounding properties. The subject property is part of a small strip (three lots) of property zoned and used for single-family residences that is surrounded by "LC" Limited Commercial zoning in all directions.
2. The suitability of the subject property for the uses to which it has been restricted: Given the surrounding zoning and land uses and the traffic volumes on Tyler, the subject property is becoming less desirable for uses permitted under the existing "SF-6" Single-Family zoning.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The existing single-family residences to the north and south of the subject property are already significantly impacted by commercial uses in the area. The multi-family use to the west is buffered from the subject property by a landscape buffer and a screening fence located on the apartment's property.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The request is consistent with the Land Use Guide of the Comprehensive Plan, which identifies this area as appropriate for commercial uses.
5. Impact of the proposed development on community facilities: The recommended conditions of platting should mitigate the negative impacts of the proposed commercial uses on the ability of Tyler to carry traffic through the area.

KNEBEL "This property is currently developed with a single-family residence. It doesn't show up real well on the aerial. The applicant proposes to redevelop the property for commercial uses. This property is surrounded by commercial and multi-family uses. There are two remaining single-family residential uses, one located immediately north and one located immediately south of this property. The property immediately to the north has a single-family residence and then the commercial properties begin with an automobile repair shop and then a large commercial shopping center. Across Tyler are numerous commercial businesses, and there are businesses to the south and east. There is a single-family residence for sale immediately south of the property by the commercial real estate group of Plaza Real Estate. I think that indicates what they intend to do with that property as well.

As I mentioned before, the site is along Tyler Road. I failed to mention that the property is unplatted. Tyler has rather high traffic volumes and therefore, as a condition of the platting, planning staff will be looking at some access control issues as far as lining up the access, as far as where the access should be located on this property, when the property is platted.

The Comprehensive Plan indicates that the location is appropriate for commercial development, and based on these factors, the Planning staff recommends approval, subject to platting within one year."

CARRAHER "Are there any questions of staff with regards to the item?"

GAROFALO "I just wondered what kind of commercial is going in there? Did you say?"

KNEBEL "It is not specified. The application said, I think, Limited Commercial uses."

CARRAHER "Are there any other questions of staff on this item? Thank you, Mr. Knebel. Would the applicant like to speak to the item?"

RUSS EWY "I am with the Baughman Company, agent for the applicant. There is really nothing more to add than that we are in agreement with the staff comments, including tentatively agreeing with those platting issues that were brought up by Scott.

As to an intended user, I don't believe that there is an intended use of the property to date. I would be happy to answer any questions."

CARRAHER "Are there any questions for the applicant regarding this item? Thank you, Mr. Ewy. Is there anyone in the gallery either to speak in favor of or in opposition to the item? Seeing none, I will bring it back to the Commission. What is the pleasure of the Commission?"

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into consideration the staff findings (The zoning, uses and character of the neighborhood: The requested "LC" Limited Commercial zoning is consistent with the zoning of surrounding properties. The subject property is part of a small strip (three lots) of property zoned and used for single-family residences that is surrounded by "LC" Limited Commercial zoning in all directions. The suitability of the subject property for the uses to which it has been restricted: Given the surrounding zoning and land uses and the traffic volumes on Tyler, the subject property is becoming less desirable for uses permitted under the existing "SF-6" Single-Family zoning. Extent to which removal of the restrictions will detrimentally affect nearby property: The existing single-family residences to the north and south of the subject property are already significantly impacted by commercial uses in the area. The multi-family use to the west is buffered from the subject property by a landscape buffer and a screening fence located on the apartment's property. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The request is consistent with the Land Use Guide of the Comprehensive Plan, which identifies this area as appropriate for commercial uses. Impact of the proposed development on community facilities: The recommended conditions of platting should mitigate the negative impacts of the proposed commercial uses on the ability of Tyler to carry traffic through the

area.) I move that we recommend to the governing body that the request be approved, subject to staff comments.

WARREN moved, **JOHNSON** seconded the motion, and it carried unanimously (12-0).

CARRAHER "Mr. Krout, I will yield the floor to you at this time."

KROUT "Our next zoning case is advertised to be heard not earlier than 2:30 p.m., so I will use the five minutes to talk to you about the retreat for next week. We have another item for filler if we need one later this afternoon, too.

They are passing out a draft of the agenda for your discussion, and attached to the agenda is the map to get you to Ray Warren's farm. I think we are going to have a 'build your own sandwich' catered in from Spears. The idea is to start at noon and give people a little bit of time to shuffle in and swallow, and then start talking at about 12:30.

These are items that we have talked about and I want to make sure that these are items you want to talk about next week. I think we left it a little bit open-ended. Item No. 2 all has to do with public involvement. If you remember, we have the subdivision issue that we deferred to talk about at the retreat. I think it is useful to look at that in the context of what we do for public involvement in other areas of our applications for zoning, for adjustments, etc. Bud can brief us, along with Jamsheed, on the workshop in Kansas City on environmental justice, and tell us what he thinks that might mean for the Planning Commission in the future.

Then we had a specific request, and I think it was from Ray Warren, on Item No. 3, to talk about ex-parte contact in the MAPC By-laws. Joe Lang will join us for the whole afternoon at that retreat, and will be available to discuss that item in particular or other items that you may have. I thought that we would also give a little bit of time after that discussion to discuss other items that people may have on the By-laws, if you want to review the By-laws before the retreat. A couple of things that have been raised, or talked about, are term limits and qualifications for membership. At 2:30, Commissioner Michaelis talked about meeting agendas and streamlining, I think, and trying to make our meetings as efficient as possible. I think it would then be about time for a break.

Then at 3:30, we would have a discussion on three difficult land uses that we wanted to talk about: car washes, car lots, and self-storage. Toni Fairbanks from our staff is collecting information on a dozen other cities, what their policies and standards are, how they treat it, and how successful they think they are. So we will have some basis of comparison for you, and that might help you to decide what to do in the future.

Those are our suggestions, and Chris, why don't you take it from here and see if we can finalize it."

CARRAHER "Okay. First, are there any questions in regards to the proposed agenda for next Thursday's retreat?"

MICHAELIS "I have a question on Item No. 3, as far as membership qualifications. Since the County Commissioners and the City Council appoints us, is that really up to us?"

CARRAHER "It is not up to us to make a decision. That has already been discussed, but it was brought up as one of the possible topics. Mind you, this is all tentative. You could discuss this, or we may choose not to discuss it. This is what this time is for. Marvin and I both wanted to get feedback over that. I just want to put it all out on the floor and have you kick the tires around, so to say, and see what you think about each of these entries."

KROUT "Just from a technical standpoint, to try to respond to your question. I think that both of these are issues that you could put in your By-laws, but changes in the By-laws are only effective, like the sub-committee changes, if both the City Council and the County Commission concur in them. So, in effect, they would have to agree to changing the By-laws. They are items that you could consider in terms of your By-laws, but they will have to agree to it."

LOPEZ "I won't be able to be at the meeting on October 26, because I will be out of town at a board meeting. But my comment on term limits is if we are going to recommend to the appointing bodies term limits, then what I would be encouraging is that the language that is utilized by both governing bodies be conformed into one. Either adopt the County's term conditions, or adopt the City's. One or the other. Then there wouldn't be any discussion about City versus County, and somebody else has been here longer because they are City and so on.

I would just recommend, if you were going to do anything on that, that we consolidate and come up with one. Either there are term limits or there aren't, as far as the County is concerned."

CARRAHER "Your point is well taken, Mr. Lopez. That will definitely be in the issues discussed at the retreat. That is definitely something that will be in the record and in discussion. Thanks. "

WARREN "Just following up on that. There will be no decisions made that are binding. We will be back in session to effectively document anything that we do. So he would have the opportunity there."

KROUT "That is right. There won't be any decisions made at the retreat."

LOPEZ "I just wanted to make that clear for the benefit of the other Commissioners so they would understand what my position was, since I won't be in attendance."

CARRAHER "Okay. Are there any other questions/commentary?"

OSBORNE-HOWES "If someone could just tell me--it has been a while since I have done this. Let's say I am at Washington and Kellogg. How long will it take me to get to the Warren Farm?"

WARREN "Fifteen minutes."

OSBORNE-HOWES "Fifteen minutes from Washington and Kellogg? If I go down K-15?"

WARREN "I could get there in 10, but I am going to give you more."

JOHNSON "That's because you know the Derby police."

CARRAHER "Are there any further questions or commentary regarding the retreat schedule? Do we want to take any type of action?"

KROUT "I don't think it is necessary."

CARRAHER "I guess we will just go by consensus. Is everybody okay with this format? No problems here."

KROUT "We will send you out another copy just to make sure that you are reminded. We will probably send it out in tomorrow's mail so that you will get it on Saturday or Monday."

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8. **Case No. CON2000-00038** - Bradford Homeowners Association (applicant); c/o Michelle Wilcox (agent) request a Conditional Use to permit a neighborhood swimming pool, on property described as:

Reserve "B", Bradford North 2nd Addition, an Addition to Wichita, Sedgwick County, Kansas. Generally located at Keith and Ryan Streets.

BARRY CARROLL, Planning staff, pointed out land use and zoning; and showed slides of the general area. He reviewed the following staff report:

BACKGROUND: The applicant is requesting a Conditional Use to permit a neighborhood swimming pool on a platted (.275 acre) tract of land – "Reserve B" of the Bradford North 2nd Addition. The application area is a trapezoid shaped parcel and is generally located south of 29th Street North, west of Tyler Road and near the intersection of Keith and Ryan Streets. The area extends eastward from Keith and overlooks a detention pond. This property is zoned "SF-6" Single-Family Residential and is currently undeveloped. Neighborhood swimming pools can be a "use-by-right" if the site is identified at the time of platting and a site plan is submitted for review and approval. After the plat is recorded, a Conditional Use is required.

The Unified Zoning Code (UZO) requires "one parking slot per 100 square feet of pool area, plus one slot per 100 square feet of clubhouse area" for a "swimming pool, private/neighborhood." The parking area is shown to the northwest of the swimming pool. Two of the parking stalls and playground equipment, as shown in the plan, are both within the required 25' front setback from Keith Street. It is estimated that the pool will be 35' by 20' (700 square feet) and located in the southeast corner of the property. The bathhouse building is shown to be 15' by 24' (360 square feet) and will be located north of the pool. Based upon the projected square footage of the pool and bathhouse [1,060 square feet], the UZO requires 11 parking slots.

According to the submitted plan, there are only five (5) parking slots provided, including one handicapped slot. Consequently, there is a deficit of six parking slots. Although there is an apparent shortage of parking spaces, many of the patrons will likely walk, via existing sidewalks on both sides of Keith Street, to their neighborhood pool. Keith Street is designed to accommodate on street parking on both sides if needed. Variances will be required to reduce the parking requirements (from 11 to 5 slots) and to permit parking within a required front yard setback.

Playground equipment is permitted within the front yard setback (per the Zoning Administrator). There is also a 10' by 10' shelter, a playground and a kid's pool shown east of the pool. Use of the facilities will be limited to residents of the Bradford 2nd Addition. There will be access to the site from the east side of Keith Street.

The adjoining properties are zoned "SF-6", Single-Family Residential. The lots, to the north, south and west are all single-family dwellings. The area to the east is a large detention lake shown as "Reserve A." This area has been designated on the recorded plat to be "open space."

The hours of operation for and maintenance of the pool will be determined by the homeowners' association by restrictive covenant. The lighting for the pool will be shielded from the adjacent single family dwellings. There will be a six-foot

wrought iron fence surrounding the pool. Paying members of the homeowners association will be given "reader cards" that will allow access to the pool. The association will hire a contractor to provide ongoing maintenance to the pool, bathhouse and grounds.

CASE HISTORY: The current site is platted as "Reserve B" as part of the Bradford North 2nd Addition, that was approved on July 16, 1996.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-6" Single-Family Residential	Single-Family Residences
EAST:	"SF-6" Single-Family Residential	Detention Lake (Reserve "A")
SOUTH:	"SF-6" Single-Family Residential	Single-Family Residences
WEST:	"SF-6" Single-Family Residential	Single-Family Residences

PUBLIC SERVICES: Keith Street is a two-lane residential street. Traffic volumes are not rated. Water/sewer and other municipal services will be provided to the site.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this property as "low density residential." This residential category provides for the lowest density of urban residential land use and consists of traditional, single-family detached homes, zero lot line units and cluster subdivisions, as well as schools, churches and similar uses found in such areas. One of the objectives of the Plan is to "develop and maintain a system of parkland, open space and recreational facilities which provide a diverse set of recreational opportunities for existing and future residents."

RECOMMENDATION: Based on the information available prior to the public hearing, MAPD staff recommends the application be APPROVED, subject to the following conditions:

1. Variances will be required to reduce the parking requirements (from 11 to 5 slots) and permit parking within a required front yard setback.
2. The property will be developed in general conformance with the site plan submitted to and approved by the Board of Zoning Appeals.
3. Development and use of this site for a neighborhood association swimming pool shall be in accordance with all applicable codes, including building and construction codes, landscape ordinance, health codes and operational standards.
4. Violation of the foregoing conditions shall be cause for declaring this Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The subject property is situated in the middle of a developing residential area. Surrounding properties are all zoned "SF-6." Access to the site is from a residential street. The lot is within walking distance from the surrounding single-family homes, and the off-street parking requirements minimize the number of parked cars on the local street. Small private areas like this are becoming more commonplace in new subdivisions.
2. Extent to which removal of the restrictions will detrimentally affect nearby property: Locating a neighborhood swimming pool along a local street with residential development will introduce more noise for the nearby residential properties. However, this use is limited by definition to subdivision residents and their guests, and the development of the property in accordance with requirements of the Conditional Use will minimize these problems.
3. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The Land Use Guide of the Comprehensive Plan identifies this property as "low density residential." This residential category provides for the lowest density of urban residential land use and consists of traditional, single-family detached homes, zero lot line units and cluster subdivisions, as well as schools, churches and similar uses found in such areas. One of the objectives of the Plan is to "develop and maintain a system of parkland, open space and recreational facilities which provide a diverse set of recreational opportunities for existing and future residents."
4. Impact of the proposed development on community facilities: The proposed swimming pool will increase trips to the site, but the impact should be minimal. The neighborhood association will regulate the pool's hours, and access to the facility will be limited to neighborhood residents and their guests, thereby minimizing the need for additional police patrols. With approval of this project, the projected impact on community facilities will be minimal.

CARROLL "This area is a platted .275 acre tract of land. It is estimated that the pool will be 35 x 20 feet. This is a small site plan. According to the plan, there are only 5 parking slots provided, including one handicapped slot; consequently,

there is a deficit of parking slots. The applicants will have to seek a variance to reduce the number of parking requirements from 11 down to 5 and to permit parking within the front yard setback.

The site is surrounded by single-family uses. The Comprehensive Plan indicates this area as it being appropriate for low-density residential. The plan states that 'one objective of the plan is to develop and maintain a system of park land and recreational opportunities, which this proposal is doing. Consequently, the Planning staff is recommending approval, subject to the 4 conditions listed on Pages 3 and 4. I will answer any questions you might have.'

CARRAHER "Are there any questions of staff regarding this item?"

OSBORNE-HOWES "Would you go back through the slides for me, please?"

CARROLL "Sure."

OSBORNE-HOWES "Hold on that one just a second. Are you sure this is Bradford Park? I just want to make sure. I am not sure that is Bradford Park. Maybe it is."

CARROLL "It is Bradford North Second Addition."

OSBORNE-HOWES "That is where you took the pictures at?"

CARROLL "Yes. This is at Keith and Ryan Streets. This is a peninsular that jets out off of Keith Street."

OSBORNE-HOWES "The only reason I am asking is that it looks to me like that is right off 21st Street, am I wrong?"

CARROLL "Yes, this is at the corner of Keith and Ryan Streets."

OSBORNE-HOWES "Okay, thanks. I just thought you were at another addition. That's all."

CARRAHER "Are there any other questions of staff? Seeing none, thank you, Mr. Carroll. Would the applicant like to address the item at this time."

LORI GRAHAM "I live at 2649 North Keith Court. I am the Treasurer of the Bradford Homeowners' Association and also a member of the pool committee that we formed for this."

What you are looking at here is a subdivision. The lot was originally planned for a playground and we would like to, as a subdivision, put in a pool. The lot is actually sticking out in the middle of that drainage lake and is surrounded by the neighborhood."

CARRAHER "Are there any questions for the applicant at this time?"

HENTZEN "Do you know approximately how many residents you have in the subdivision?"

GRAHAM "Currently, we have 240 homes occupied. By the time they finish building the north part of that, there will be 400 homes."

HENTZEN "And as I understand the situation, the use of the pool will be for the residents in the subdivision?"

GRAHAM "Exclusively. Yes. We also have a playground that we would like to put in there, and a little park area kind of surrounding it so that we will be able to use it year round."

CARRAHER "Are there any other questions for the applicant? Thank you. Now we will move it to the gallery. Is there anybody in the gallery either wanting to speak in favor of the item or in opposition to the item? Seeing none, we will move it back to the Commission. What is the pleasure of the Commission?"

OSBORNE-HOWES "First, I would like to say that I didn't ask the question because I had some concerns about it. My daughter lives directly south in the addition south, and I thought for a minute I saw her home and thought maybe you were in the Chadwick Addition."

MOTION: Having considered the factors as contained in Policy statement No. 10; taking into consideration the staff findings (The zoning, uses and character of the neighborhood): The subject property is situated in the middle of a developing residential area. Surrounding properties are all zoned "SF-6." Access to the site is from a residential street. The lot is within walking distance from the surrounding single-family homes, and the off-street parking requirements minimize the number of parked cars on the local street. Small private areas like this are becoming more commonplace in new subdivisions. Extent to which removal of the restrictions will detrimentally affect nearby property. Locating a neighborhood swimming pool along a local street with residential development will introduce more noise for the nearby residential

properties. However, this use is limited by definition to subdivision residents and their guests, and the development of the property in accordance with requirements of the Conditional Use will minimize these problems. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The Land Use Guide of the Comprehensive Plan identifies this property as "low density residential." This residential category provides for the lowest density of urban residential land use and consists of traditional, single-family detached homes, zero lot line units and cluster subdivisions, as well as schools, churches and similar uses found in such areas. One of the objectives of the Plan is to "develop and maintain a system of parkland, open space and recreational facilities which provide a diverse set of recreational opportunities for existing and future residents." Impact of the proposed development on community facilities: The proposed swimming pool will increase trips to the site, but the impact should be minimal. The neighborhood association will regulate the pool's hours, and access to the facility will be limited to neighborhood residents and their guests, thereby minimizing the need for additional police patrols. With approval of this project, the projected impact on community facilities will be minimal.) I move that we recommend to the governing body that the request be approved, subject to the following:

1. Variances will be required to reduce the parking requirements (from 11 to 5 slots) and permit parking within a required front yard setback.
2. The property will be developed in general conformance with the site plan submitted to and approved by the Board of Zoning Appeals.
3. Development and use of this site for a neighborhood association swimming pool shall be in accordance with all applicable codes, including building and construction codes, landscape ordinance, health codes and operational standards.
4. Violation of the foregoing conditions shall be cause for declaring this Conditional Use null and void.

OSBORNE-HOWES moved, **HENTZEN** seconded the motion, and it carried unanimously (12-0).

KROUT "We are finished a little bit early again, so we are prepared, once again to talk about Transportation Enhancements. This is something that we can avoid talking about at the retreat, but we do want to give you a brief briefing on it so you can be thinking about it and giving us some input."

JAMSHEED MEHTA, Planning staff "Transportation Enhancements is the technical name of a funding program from the Federal Highway Bill TEA-21. It is administered by the State, by KDOT, and every year, sometimes every other year, we are applicants for this federal funding program. The one that we are looking at right now has a deadline of submission sometime in the middle of December. So this is an informational meeting only. I am just going to briefly tell you about what we have applied for in the past, successes and failures real quick, and then what we think we are heading for in the next round of applications due in the middle of December.

What we applied for last year, which was supposed to be for fiscal year 2001; we applied for a total of \$7 million worth of projects--15 projects. We obviously knew beforehand that we were never going to get as many. Three or four good ones would have been adequate and we would have been satisfied given the fact that the State was dealing with a total of only \$13 or \$14 million. Give or take our population share, if that is any figure to go by, 17% of the State of Kansas' population is in this metro area and we should get at least that amount.

Well, we didn't. We only got half a million dollars to do a pathway system which would be in conjunction with the City's downtown riverfront improvement project which doesn't really add any new linear feet to the bike path system in this community, it just enhances it into that bigger project. The other projects that we did submit, the very interesting ones this time, all 14 or 15 of them, in a nutshell, 7 of those were concentrated on the south side, trying to link three existing trails. One of the them is along the Kansas Turnpike, one is the Gypsum Creek. It will eventually dead-end somewhere in the vicinity of Boeing, but more so near to 31st Street. Then the one along I-135 has the canal route bike path system, which terminates just north of Pawnee. And the third one coming down is along the Arkansas River.

One of our objectives in that round of application was to do an integrated trail system--seven components, done separately, which would tie all of these together in different ways. The State did not look upon those projects too favorably at that time, but then it has to do with the competition we were going through with so many other projects state-wide. The other interesting project had to do with the Sedgwick County project, Pawnee Street connecting the Gypsum Creek Trail again, going easterly towards the improvements crossing Rock Road connecting onto Pawnee Street further and going further east to connect to other trails in the future.

We had a very interesting project which was primarily sponsored and supported by the North Riverside neighborhood in this case, linking 13th Street near Minisa Park going north along the Little Arkansas River up to 21st Street and a portion of 21st Street. That project also was not finally approved for funding. Twenty-first Street, on the west side, the two missing miles, because without that, you really can't do a whole lot, even though we have been approved for funding to build a pedestrian path along Zoo Boulevard, along the new, red, Water Pipeline across the Big Ditch, which will have a pedestrian component right on top of it, and when you cross over, you can go over to Ridge Road, but then there is no trail. There is no sidewalk for two miles until you go all of the way to 21st Street and Maize. That is the project we have applied now for three consecutive application periods.

I think the message has been well received here. They are not interested in using federal dollars for what would be, essentially, an arterial sidewalk. We will not reapply for that one project. I think we would be wasting our time. I am hoping that maybe there will be some effort on the part of the City, perhaps through your action today or sometime later to push for such a project, because bike trails, bike paths in this community are relying, almost entirely, on this discretionary funding program. Some years we get maybe half a million to a million dollars' worth, and then some years, we have very little. In fact, we have nearly \$28 million worth of identified bike path trail systems on this map that have yet to be built, and if you were to rely on this source of funding, I don't think you would be going anywhere for many years.

The proposals we plan on extending for this round, and this is just coming internally from review by Public Works, the Park Department and the Planning Department staff members, we will re-submit the trail along the Little Arkansas River. It scored 9 out of 50 some projects in the trail category last time. Incidentally, the cut-off point for funding last year for the trails in the KDOT program was No. 8, so this would have been the 9th program if they only had had a few more bucks to add to it. (Indicating) That is this project. We will resubmit it.

The other project we will resubmit, and I didn't mention it earlier, along I-135 on the north side, it links Grove Park to the north to McAdams Park, near 17th Street. It sort of completes the basic loop system that we have. A K-96 trail system to the north and the I-135 system, which is running north/south along the Canal Route. We will definitely be working on resubmitting that project. From Sedgwick County, we hope to resubmit the Pawnee Street project near Gypsum Creek near the Kansas Turnpike on the south. Way south, where we had eight projects (indicating) right here, we will merge two of those to make it one project.

On the other projects, the feedback we are getting from the State is that every project has to be a stand-alone. They don't want to do a project which doesn't connect to anything else. Because we have an integrated system, we need to do certain trails first before we move into the next round. We will be submitting a project which would link I-135 near Pawnee to the Gypsum Creek Trail, near the Kansas Turnpike and it goes through the community center, schools, George Washington Boulevard close by, and the Planeview Park and neighborhood areas as well.

We would be glad to look at any other options. This is just coming from staff at this time. Between now and the early part of December, we will be coming back for final approval by this MPO body, not necessarily the Planning Commission, but as the MPO in this case on December 7. Before that, we will be going to various boards, the Park Board, the City's Art Review Board, Greenway's Commission for any additional input they might have, or any other organizations. We have already started visiting with the District Advisory Boards. We have had one meeting already on some of these proposals. We plan on doing that throughout the months of October and November and get back to you in December.

After your final approval, that is the application list that goes to KDOT, but we need to take it to the two governing bodies, because that is where the matching funds come in. In most cases in the past, we have always been assuming a 20% match. It is possible that we may be requesting even higher amounts, just to make our projects a little bit more competitive and to have an edge over the competition we have, which is state-wide. Are there any comments?"

GAROFALO "So we are not submitting the Galena extension because it won't connect up with anything?"

MEHTA "On the south side?"

GAROFALO "Yeah. Along the river."

MEHTA "There are two projects that we will be pushing for real hard, and move them into one combination project--I-135 where it terminates just north of Pawnee and connect that across Pawnee. Then there is an existing pedestrian bridge, one of those caged structures. Wassall Street is where it lines up; through Wassall, going easterly towards George Washington Boulevard, and it goes on two sides. It crosses over Gypsum Creek, through the school area. That will connect up to approximately George Washington Boulevard, near Gypsum Creek. So it will be linking the Gypsum Creek Trail to the I-135 Trail."

GAROFALO "And the extension along the river?"

MEHTA "In order to take it from the Garvey Center or YMCA grounds, which is where the river trail terminates right now."

GAROFALO "Right."

MEHTA "In order to do that, you would have to link it to some other trail. The closest other trail possible would be, and I will draw this out for you, you would follow along the river on the north side of the river, and you come up to Hydraulic and cross over, and then you go on the south side of the river. You go through what is called the Chapin Park; there used to

be the demolition or construction dump, or whatever. Now it is in the park system. And then we come down to a point at MacArthur Road, crossing over and then connect to some of the other future trails.

But in order to get there, we would have to bring some of these proposed trails further down. So, which one should we be pushing first? I think this is our objective. Let's get one connection done and then work on some of the other components in later years."

CARRAHER "Are there any further questions or commentary for Mr. Mehta?"

MICHAELIS "Do we have anything like....all of these neat studies that we have on traffic that shows traffic flow and everything...do we have anything showing bike flow and the way these get used? And are they used more so in a certain part of the City? Is that used to dictate where we go, or do we just draw circles and connect everything and kind of go from there?"

MEHTA "As disjointed as the system is right now, because we always go in these little increments, the larger trail systems do not connect to each other. If you are on I-135, you do not connect to K-96 right now because there is a missing link there. If you are on the west side, you don't have these two miles over there to make that connectivity.

Some of what is in red on here hasn't quite been built. It has been programmed, it has been funded, but it is yet to be built within a few months, I guess. So I guess the most used amongst all of the trails are the ones along the Arkansas River, followed by where I have seen K-96 and I-135. Now there are some offshoots of those where, yes, there are folks, but I am not sure if we ever did an effective study to find out what the latent demand is. The general belief is that if you build it and if it is located right, they will come."

MICHAELIS "Do we know what these cost us per mile?"

MEHTA "A ten foot wide slab of concrete with no frills is in the range of \$100,000 to maybe \$150,000 per mile. By the time you do the landscaping associated with it, and in most cases there is some, it may be in the range of \$200,000 to \$250,000 per mile."

MICHAELIS "Okay, thank you."

CARRAHER "Are there any further questions or commentary of Mr. Mehta?"

GAROFALO "I might just mention real quickly that I could tell you from my own experience that the bike path and walking path along the river is used like mad....just every day."

MICHAELIS "I know that there are some that are, but like the one on K-96, I have yet to see anybody on that."

GAROFALO "And the one on I-135, I don't think I have ever seen anybody using that. But maybe they do. I can't say, but I haven't seen them."

MEHTA (Indicating) "This section of K-96? That is only on the map. It hasn't been built yet. At least not in the portion of the City. Outside the City limits, it is going from a dead end to another dead end right now. It is kind of disjointed. So the only folks who can actually get to it are those who can actually drive to it. If they can then get on somewhere, or the neighborhood that is adjacent to K-96 outside of the City limits."

MICHAELIS "Well, that goes back to my question of how we determine where these go. To me, it would make more sense to wait until there is a population usage than to go out there by Whitetail and in that area a spend a quarter of a million dollars a mile to put in a bike path that nobody can get to."

MEHTA "You are right, but the exception being that that was built in conjunction with the system enhancement program which funded K-96, the County section. The County added additional funds at that time so that they could build the pathway about the same time while they were negotiating right-of-way."

CARRAHER "Is there any further questions or commentary on the item on the floor? Seeing none, thank you, Mr. Mehta."

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9. **Case No. ZON2000-00044** - Stanley Gene York and Marilyn L. York (Owners/Applicants) request a zone change from "LI" Limited Industrial to "LC" Limited Commercial District on property described as:

Lot 141, 143 & 145, on Laura Avenue, Hunter's 2nd Addition to the City of Wichita, Sedgwick County, Kansas.
Located 200 feet south of Lewis and on the west side of Laura (421 & 425 South Laura).

DONNA GOLTRY, Planning staff, pointed out land use and zoning; and showed slides of the general area. He reviewed the following staff report:

BACKGROUND: The applicant is requesting "LC" Limited Commercial District zoning for a 0.24 ± acre tract located south of Lewis and on the west side of Laura (421 & 425 South Laura). The application area is developed with two single-family houses.

The owners, Stanley Gene & Marilyn L. York, have requested "LC" Limited Commercial zoning in order to be able to sell the houses to prospective buyers for continued residential use. The current zoning, "LI" Limited Industrial, does not allow residential use. Prospective buyers cannot get residential mortgage insurance because the properties could not be rebuilt as residences if they were destroyed by more than 50% of their values.

The houses are located in an area zoned "LI" Limited Industrial. However, the application area is on a block that is developed with older, single-family residences on both sides of the street. Laura forms a cul-de-sac south of the application area. Kellogg Elementary School is located one-half block southeast of the application area.

CASE HISTORY: The property is located in Hunter's Second Addition, platted in 1897.

ADJACENT ZONING AND LAND USE:

NORTH:	"LI" Limited Industrial	Residences
SOUTH:	"LI" Limited Industrial	Residences
EAST:	"LI" Limited Industrial	Residences, Kellogg Elementary School
WEST:	"LI" Limited Industrial	Residences, vacant lots, commercial

PUBLIC SERVICES: The site is served by public water and sewer services. The nearest arterial streets are Washington, two blocks to the west, and Douglas, three blocks to the north.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide" of the 1999 Update to the Wichita-Sedgwick County Comprehensive Plan identifies the area as "office."

RECOMMENDATION: The application area is in an awkward situation of being the only intact residential street within an area designated for "office" use and zoned "LI" Limited Industrial. It is in a remote location due to Laura forming a dead-end cul-de-sac with no connection to Kellogg. Continued residential use on this street is desirable as a compatible land use with the nearby Kellogg Elementary. This would argue for preserving the integrity of this residential enclave.

In the larger context, this area between Douglas, Lulu, Kellogg, and Washington was rezoned from residential to "E" (now "LI") in 1959. The area was intended to serve as a transition zone between the "CBD" and the residential neighborhoods and provide a place for commercial and industrial expansion. Today, the area is a hodgepodge of residential/non-residential uses. This is perhaps the only block with residential uses on both sides. While the two houses being proposed for rezoning are in good condition, several others on the block are in need of revitalization. On other blocks, the land uses are mixed, typically with small commercial buildings for office and light industrial uses and scattered residences.

The requested "LC" Limited Commercial zoning would allow commercial activities typical of the area, plus enable the property to be sold for continued residential use. Based on these factors and information available prior to the public hearing, Staff recommends the application be APPROVED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: All the surrounding property is zoned "LI" Limited Industrial. The properties on both sides of the 400 block of South Laura are small residences, with Kellogg Elementary located on the cul-de-sac. The blocks to the east, west, and north are mixed with residential and non-residential uses.
2. The suitability of the subject property for the uses to which it has been restricted: If the existing residences on the application area were more than 50% destroyed by fire or other natural disaster, they could not be rebuilt as residences since the property is zoned "LI." This makes it difficult for prospective buyers to finance the properties for continued residential use. The property could be converted to non-residential use under the current zoning restrictions, similar to conversion patterns in surrounding blocks. If non-residential uses were introduced onto this block, they would not be required to be screened and landscaped since the surrounding zoning is non-residential.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The rezoning from "LI" to "LC" should not exert any more detrimental effect on surrounding residential uses and does not affect the ability of other properties to be used with "LI" zoning for industrial use.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The requested change supports the "office" designation of the Comprehensive Plan. Since it eliminates the more intensive industrial activities as permitted uses, it is more compatible with the Comprehensive Plan than the current zoning.
5. Impact of the proposed development on community facilities: There is no significant impact to community facilities.

GOLTRY "This small quarter-acre tract has two single-family houses, located on two side-by-side lots. Laura is a dead-end street. It is really what I would consider the only in-tact residential area between Hydraulic, Kellogg, Washington and Douglas. The northern half of Waterman has been zoned for pretty heavy, what we would call 'LI', uses since the 1920s. This portion has been zoned that way since I believe the 1950s. The houses that are on-site are lovely, very well maintained houses. They have a buyer for one of the houses, and when they went to the closing on it, lo and behold, they couldn't do so because it was zoned 'LI' Limited Industrial, which means that if it were to burn or to have some other natural disaster befall it, it couldn't be rebuilt, since it is a non-conforming use.

Obviously, this block contains some nicely maintained residences. It is very close to the cul-de-sac for the Kellogg Elementary School and by rezoning it from 'LI' to 'LC', we enable them to sell the property; to get mortgage insurance on it so they can facilitate the sale of the property to continue its use for residential purposes, while also allowing that it could possibly, in the future, be developed for some non-residential use. Staff recommends approval, and I stand for questions.'

CARRAHER "Are there any questions for staff regarding the item?"

HENTZEN "Donna, did I understand right that all of the houses along that street are zoned 'LI'?"

GOLTRY "Correct."

HENTZEN "The houses along there are kept pretty nice. Do you think there is any reason why that group of residences would like to have residential zoning?"

GOLTRY "We discussed that when they first contacted us. I think that while deep in my heart I truly believe in keeping this block a residential block, but I also have the realistic prospective that to the east and to the west, beyond the alleys the block faces are mixed blocks with concrete (industrial/commercial) buildings, etc. I think that residential zoning is definitely an option, if you want to pursue it. Another thing we have even discussed internally in staff, because this has come up before, is perhaps we need to look at Conditional Uses for residences within 'LI' areas as another possible solution."

HENTZEN "As I understand your staff report, if we go with 'LC', then that will allow them to continue to use that as residential?"

GOLTRY "Yes."

CARRAHER "Are there any further questions for staff? Would the applicant like to address the item at this time? Is the applicant present?"

STANLEY YORK "Right now, I live at 2459 North Charlotte. These are my two residences. I am trying to sell one right now. The only thing I have is that I support the staff recommendations."

CARRAHER "Are there any questions for the applicant? Thank you, Mr. York."

YORK "Okay, thank you. Now we will move into the gallery. Is there anybody in the gallery who is here to speak either in favor of or in opposition to the item? Seeing none, we will move it back to the Commission. What is the pleasure of the Commission?"

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into consideration the staff findings (The zoning, uses and character of the neighborhood: All the surrounding property is zoned "LI" Limited Industrial. The properties on both sides of the 400 block of South Laura are small residences, with Kellogg Elementary located on the cul-de-sac. The blocks to the east, west, and north are mixed with residential and non-residential uses. The suitability of the subject property for the uses to which it has been restricted: If the existing residences on the application area were more than 50% destroyed by fire or other natural disaster, they could not be rebuilt as residences since the property is zoned "LI." This makes it difficult for prospective buyers to finance the properties for continued residential use. The property could be converted to non-residential use under the current zoning restrictions, similar to conversion patterns in surrounding blocks. If non-residential uses were introduced onto this block, they would not be required to be screened and landscaped since the surrounding zoning is non-residential. Extent to which removal of the restrictions will detrimentally affect nearby property: The rezoning from "LI" to "LC" should not exert any more detrimental effect on surrounding residential uses and does not affect the ability of other properties to be used with "LI" zoning for industrial use. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The requested change supports the "office" designation of the Comprehensive Plan. Since it eliminates the more intensive industrial activities as permitted uses, it is more compatible with the Comprehensive Plan than the

current zoning. Impact of the proposed development on community facilities:
(There is no significant impact to community facilities.) I move that we recommend to the governing body that the request be approved, subject to staff comments.

LOPEZ moved, **WARNER** seconded the motion.

CARRAHER "Are there any questions or commentary regarding the motion. Seeing none, we will move into a voice vote."

VOTE ON THE MOTION: The motion carried and unanimously (12-0).

WARREN "I would like to go ahead and pursue that thought that we should have, I think, a Conditional Use provision in the Limited Industrial district so somebody could rebuild their facility. I think that is something that ought to be pursued in the future."

KROUT "I think that is something that we can talk about."

HENTZEN "Just a comment. I am glad this passed, but I want to tell you that I have heard so much about landlords that don't take care of their property that I am sick of hearing it. I want to compliment this landlord on those two properties that he owns and takes care of."

10. **Case No. ZON2000-00043** - West Wichita Development, c/o Jay Russell (owner/Applicant); Baughman Company, c/o Phil Meyer (agent) request a zone change from "SF-6" Single-Family Residential to "TF-3" Two-Family Residential on property described as:

That part of the Northeast Quarter of Section 26, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas described as follows: Commencing at the Northwest corner of Reserve "A", Auburn Hills Clubhouse Addition, Wichita, Sedgwick County, Kansas; thence S 20 degrees 07'12" East along the West line of said Reserve "A", 165.19 feet to a deflection corner in said West line; thence South 04 degrees 30'17" East along the West line of said Reserve "A", 251.94 feet for a point of beginning; thence continuing South 04 degrees 30'17" East along the West line of said Reserve "A", 214.46 feet to a deflection corner in said West line; thence South 00 degrees 00'00" West along the West line of said Reserve "A", 253.77 feet to a deflection corner in said West line; thence South 27 degrees 03'52" West along the West line of said Reserve "A", 177.87 feet to a deflection corner in said West line; thence South 56 degrees 21'42" West, 391.99 feet; thence South 54 degrees 31'24" West, 156.77 feet; thence North 00 degrees 12'28" East, 333.55 feet; thence North 56 degrees 21'42" East, 314.38 feet; thence North 00 degrees 00'00" East, 141.27 feet; thence North 89 degrees 48'02" West, 77.79 feet; thence North 02 degrees 59'54" West, 135.96 feet to a point on a curve to the left; thence Northeasterly and Northerly along said curve, having a central angle of 49 degrees 13'27" and a radius of 157.00 feet, an arc distance of 134.88 feet, (having a chord length of 130.77 feet bearing North 24 degrees 45'57" East), to the P.T. of said curve; thence North 00 degrees 09'13" East, 31.32 feet; thence South 89 degrees 48'02" East, 285.20 feet to the point of beginning. Located south of Maple, just west of Auburn Hills Clubhouse Addition.

BARRY CARROLL, Planning staff, pointed out land use and zoning; and showed slides of the general area. He reviewed the following staff report:

BACKGROUND: The applicant is requesting approval of the "TF-3" Two-Family Residential zoning district in order to construct two-family units on 6.4 acres of unplatted property currently zoned "SF-6" Single-Family Residential. The application area is part of a 36.6-acre tract of land located west of 135th Street West, south of Maple Street and west of the Auburn Hills Clubhouse Addition. The land to the north is vacant land; to the east and south is the Auburn Hills Golf Course. Single-family residences are located to the west. There are 134 single-family lots plus 19 duplex lots (38 dwelling units) proposed for the 36.6-acre tract of land. The overall density for the entire development, including the duplexes, will be 4.2 dwelling units per acre.

The applicant intends to build 12 two-family units along the eastern edge of the property that will abut the golf course. Additionally, there will be seven more two-family units that will be located just west of the 12 two-family units. The seven proposed duplexes will be located next to a row of single-family homes within the development. This row of single-family homes will serve as a buffer to the residential area to the west. Access to the property will be from the north along Maple and Decker Streets, from the west along Valley Hi Road and from the south along One Wood Drive (per the pending plat).

CASE HISTORY: The property was annexed into the City in 1998 and is currently being platted as the "Auburn Hills 12th Addition." The MAPC approved the plat on March 16, 2000. The final plat will be submitted to the City Council for approval.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-6" Single-Family Residential	Vacant Lot
EAST:	"SF-6" Single-Family Residential	Auburn Hills Golf Course
SOUTH:	"SF-6" Single-Family Residential	Auburn Hills Golf Course
WEST:	"SF-6" Single-Family Residential	Single-Family Residential

PUBLIC SERVICES: The site has access from Maple Street, a paved two-lane arterial street. Traffic volumes, rated in 1999, for Maple at 135th Street West were 3,318 average daily trips (ADTs). The projected ADTs for 2030 is estimated to be 6,846. A Capital Improvement Project (CIP) to "reconstruct and widen Maple to provide a four/five lane roadway from 119th to 135th Streets West" is slated to begin in 2001. The project is scheduled since "this area is experiencing rapid growth and development which is expected to continue at an even faster pace with the development of the new municipal golf course in this area." Water and sewer services will be made available to the site per the platting requirements.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies the application area as "low density residential." This residential category provides for the lowest density of urban residential land use and consists of single-family detached homes, zero lot line units, cluster subdivisions and planned developments with a mix of housing types that may include townhouse and multi-family units." The low-density residential category of the Land Use Guide recommends one to six dwelling units per acre. The density for the 6.4-acre application area is 5.94 dwelling units per acre. The overall density for the 36.6 acre development, including single and two-family homes, will be 4.92 dwelling units per acre. Both densities are within the "low density residential" Land Use Guide criteria as proposed in the Comprehensive Plan. The Comprehensive Plan supports increased development densities if compatible with the surrounding area.

RECOMMENDATION: Based on the information available prior to the public hearing, MAPD staff recommends the application be APPROVED, platted within one year and recorded as the "Auburn Hills 12th Addition."

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The neighborhood is predominately zoned "SF-6" Single-Family Residential. The character of the neighborhood is one of mixed uses with single-family homes, a golf course to the east and southeast and "LC" Limited Commercial uses at the southwest corner of Maple and 135th Street West. A row of single-family dwellings, along the western edge of the development, will serve as a buffer between the single-family residences to west and the proposed two-family dwellings. With proper landscaping, the use and character of the site as proposed should blend into the existing residential uses of the neighborhood.
2. Extent to which removal of the restrictions will detrimentally affect nearby property. The nearby properties are zoned "SF-6" and permit single-family uses. The site could be developed as zoned. However, this area has seen an increase in platting and zoning activity. Rezoning of this property to "TF-3" would not detrimentally impact adjoining property and would provide for a wider range of housing choices. Additionally, the guidelines imposed by the restrictive covenants (regarding non-development of the designated open spaces) should help to maintain the residential character of the area. Rezoning of this property to "TF-3" Two-Family District will not introduce any new potential uses to the area.
3. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The request is consistent with the objective stating: "This residential category provides for the lowest density of urban residential land use and consists of single-family detached homes, zero lot line units, cluster subdivisions and planned developments with a mix of housing types that may include townhouse and multi-family units." The low-density residential category of the Land Use Guide recommends one to six dwelling units per acre. According to the agent, the proposed density for the overall development, including the duplexes, will be 4.2 dwelling units per acre. The density for the 6.4-acre application area is 5.94 dwelling units per acre. Both densities are within the "low density residential" Land Use Guide criteria as proposed in the Comprehensive Plan. The Comprehensive Plan supports increased development densities if compatible with the surrounding area.
4. Impact of the proposed development on community facilities: The projected impact on community facilities is minimal. The request, however, for "TF-3," two-family residential, may generate a slight increase in additional traffic. Other community facilities should not be adversely impacted.

MCKAY "Mr. Chair, I have a conflict of interest on this item, and will be stepping down from the bench."

CARROLL "This is just west of the Auburn Hills Clubhouse Addition. The agent, Phil Meyer, is here this afternoon. I might add that this entire development is 36.6 acres and the two-family application is just for 6.4 acres. On your attached map, we have indicated by an asterisk, which of the lots are designated to be two-family; which are along the eastern edge.

As was mentioned before, this is a proposal to build twelve two-family units along the eastern edge of the property, and then seven additional units will be added just to the west, in the interior of the development. There will be a row of single-family houses to the west that will face the single-family houses in the subdivision to the west. There is a Capital Improvement Project slated for this in 2001 to provide a 4 to 5 lane roadway on Maple from 119th Street to 135th Street West. This area is experiencing rapid growth and development and is expected to continue at an even faster pace.

The Land Use Guide recommends the density of one dwelling to 6 dwelling units per acre. The density for this duplex development is 5.9 overall, for the 36.6 acres is 4.92 development. The MAPD staff is recommending approval and that the land be platted within 1 year, subject to the findings. I would be glad to answer any questions you might have."

CARRAHER "Are there any questions for staff regarding the matter?"

GAROFALO "Barry, on your background information, and you just alluded to it, you say that 'the 7 proposed duplexes will be located next to a row of single-family homes within the development. This row of single-family homes will serve as a buffer to the residential area to the west'. I don't understand that. How does a row of single-family houses a buffer to other single-family houses?"

CARROLL (Indicating) "There are single-family dwellings here. There will be a row of single-family homes along this western perimeter. The duplexes are on the east perimeter and then duplexes in the interior to the west. So the houses in the subdivision will be single-family and these along the western edge of this proposal will also be single-family."

GAROFALO "So essentially what you have is single-family up against the duplexes."

KROUT "I think what Barry is trying to say is that there is an existing large-lot subdivision to the west where you can see the platted lots. He is not asking to put the duplexes right up against the existing single-family subdivision; he is creating his own buffer of single-family between the duplexes and that existing subdivision. So the people who will buy lots in the area between the duplexes and the single-family will know what they are getting into because this property will be zoned duplex."

GAROFALO "That makes sense. Okay."

HENTZEN "Is the owner of the area there also the owner of the subdivision to the west?"

CARROLL "No."

PLATT "Is there anything in what we would approve that would stop the developer from putting it all in the duplexes?"

CARROLL "There would have to be another zone change proposal."

PLATT "Wait a minute. Are we approving the whole thing for duplexes?"

CARROLL "No. Just 6.4 acres."

PLATT "Are they proposing in that 6.4 acres to build a limited number of duplexes, and then he is saying he will build some single-family. But does anything require that?"

CARROLL "If I am following your questions, the balance of it will be in single-family."

PLATT "I am talking about what is in the black up there."

CARROLL "All they are proposing, as I understand it, are the 19 duplex lots, or 38 dwelling units."

PLATT "Why aren't we just re-zoning those 19 lots then?"

CARROLL "We are."

KROUT "Do you have a subdivision plat that shows these lots in the context of the area?"

CARROLL "Let me see. On the back of your site plan, if this would help, I have put an asterisk on those lots."

PLATT "Okay. I'm with you now."

CARROLL "Are there any more questions?"

OSBORNE-HOWES "Let me just get this straight. The part that is within the black will all be duplexes, is that right? And then outside of the black...."

CARROLL "No. Just the ones with the asterisks. They are the only ones that are proposed for two family."

CARRAHER "Are there any further questions of staff in regards to the matter? Thank you, Mr. Carroll. Would the applicant like to speak to the item at this time?"

PHIL MEYER "Good afternoon. I am with the Baughman Company, agent for the applicant. I don't know that I have much more to add to what Barry told you. I will try to clarify a few things. The owner of this is West Wichita Development. They own all of the area that is being platted as Auburn Hills Twelfth. It is only a small portion within the overall plat that we are requesting the duplex zoning on. The buffer residential lots that we are talking about to the west are still owned by

this developer, which separate the duplex from the existing single-family further west. With that, I will open it up to any questions you may have."

CARRAHER "Are there any questions of staff? Seeing none, is there anyone in the gallery to speak to this matter?"

DON DEUTSCH "I live at 325 Decker. I would like some clarification. On these duplexes that are going in out here--there are 19 of them I believe--are there going to be any restrictions on them? That is what I am trying to find out. As far as the size is concerned, what they look like? Are they just going to be boxes? Who shall I direct this to?"

CARRAHER "Either direct it to Mr. Krout or Mr. Meyer. Mr. Meyer, would you like to respond to that?"

MEYER "I will try. There is absolutely no way I can guarantee this. I can tell you the plans of the developer today, and the reason he is filing the duplex. Immediately to the east of this is the clubhouse for the golf course. We are doing these duplex zoning in this area because that will show a larger mass of building. This is what Jay Russell has told me. This will show a larger mass of building as they look out the clubhouse across the golf course to these duplexes. His intent is to own and maintain these duplexes himself. He will maintain ownership of them. West Wichita Development, Inc., will continue to own them. He is not going to sell them off individually. One of the main reasons he is doing that is to create the effect when you are in the clubhouse and you look across that you have a large structure over there."

CARRAHER "Thank you. Mr. Deutsch, did you have any more questions?"

DEUTSCH "Well, he raised another question. We were not aware, and the folks who live in the Maple Hill area were not aware, that these were all going to be rental units. You are talking about 38 families. Now, I am not sure I am for it if they are rentals. If they were going to sell them off it is one thing.

To the far west edge of this Auburn Hills Golf Association, there are some more duplexes. Are those rental units, do you know? Way back on 151st? If they are built like that, they aren't the best looking duplexes in the world, in my opinion. We are just concerned as to if they are they are in the proper range of rent. If they are, I'm sure you aren't going to get somebody that has two dozen kids or something like that. You are talking about a lot of traffic out there when you add another 38 families."

CARRAHER "Are there any questions for Mr. Deutsch? Thank you, sir. Is there anybody else in the gallery wishing to speak in opposition to this item? Seeing none, Mr. Meyer, you have an opportunity for a two minute rebuttal if you choose."

MEYER "I don't know that I have much of a rebuttal. My comment will be for Mr. Deutsch, and I don't know if this will help to ease his concern. It is probably in his best interest that these duplexes stay in the developer's ownership. These duplexes are going to have a large impact on the rest of the golf course community and he wants to do a good job on these duplexes as you look out from the clubhouse across it. This configuration is selling the rest of his development. The maintenance of those are probably better off in one individual's hands than in single ownership, especially when he is protecting his own invested interest in the whole development."

CARRAHER "Are there any questions for the applicant? Thank you. We will move it back to the Commission. Are there any commentary or questions? What is the pleasure of the Commission?"

MOTION: Having considered the factors as contained in Policy Statement No. 10; taking into consideration the staff findings (The zoning, uses and character of the neighborhood: The neighborhood is predominately zoned "SF-6" Single-Family Residential. The character of the neighborhood is one of mixed uses with single-family homes, a golf course to the east and southeast and "LC" Limited Commercial uses at the southwest corner of Maple and 135th Street West. A row of single-family dwellings, along the western edge of the development, will serve as a buffer between the single-family residences to west and the proposed two-family dwellings. With proper landscaping, the use and character of the site as proposed should blend into the existing residential uses of the neighborhood. Extent to which removal of the restrictions will detrimentally affect nearby property. The nearby properties are zoned "SF-6" and permit single-family uses. The site could be developed as zoned. However, this area has seen an increase in platting and zoning activity. Rezoning of this property to "TF-3" would not detrimentally impact adjoining property and would provide for a wider range of housing choices. Additionally, the guidelines imposed by the restrictive covenants (regarding non-development of the designated open spaces) should help to maintain the residential character of the area. Rezoning of this property to "TF-3" Two-Family District will not introduce any new potential uses to the area. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The request is consistent with the objective stating: "This residential category provides for the lowest density of urban residential land use and consists of single-family detached homes, zero lot line units, cluster subdivisions and planned developments with a mix of housing types that may include townhouse and multi-family units." The low-density

residential category of the Land Use Guide recommends one to six dwelling units per acre. According to the agent, the proposed density for the overall development, including the duplexes, will be 4.2 dwelling units per acre. The density for the 6.4-acre application area is 5.94 dwelling units per acre. Both densities are within the "low density residential" Land Use Guide criteria as proposed in the Comprehensive Plan. The Comprehensive Plan supports increased development densities if compatible with the surrounding area. Impact of the proposed development on community facilities: The projected impact on community facilities is minimal. The request, however, for "TF-3," two-family residential, may generate a slight increase in additional traffic. Other community facilities should not be adversely impacted.) I move that we recommend to the governing body that the request be approved, subject to staff comments.

HENTZEN moved, **WARREN** seconded the motion.

CARRAHER "Are there any questions or commentary with regards to the motion on the floor? Seeing none, we will move into a voice vote."

VOTE ON THE MOTION: The motion carried with 11 votes in favor. There was no opposition. McKay abstained.

12. Review of proposed City Capital Improvements Program amendments for 2001-2003, for consistency with Comprehensive Plan.

KROUT "Matt Jordan, who is the Assistant to the City Manager, is here and will explain to you how we have been in the process of updating the early years of the Capital Improvement Program. Your job, as Planning Commissioners, for those of you who haven't done this before, is to review all capital improvements that the governing bodies intend to build to determine whether or not they are consistent with the Comprehensive Plan, and point out those areas where projects are not consistent.

The governing bodies can do these projects even if they are not consistent with the plan, and in voting to include those projects, they are, in effect, amending the plan. But it does provide a process for the Planning Commission to have some input as to whether or not these projects seem to be headed in the general direction of the Plan, or if not, that they make sense anyway. It also gives you an opportunity to comment on priorities just like other groups and the general public.

So Matt is going to give you a little bit of an overview as to these changes. We are not asking you to take action this afternoon, but to study the proposed changes in the C.I.P. to get hold of the Planning staff over the next couple of weeks if you have questions, so that either we can answer them or we can have people here two weeks from now on your agenda to respond to those, and then we will also do a review. We haven't really seen the final version of this until this afternoon. We will go through these projects and indicate to you two weeks from now if there are any projects that are not consistent with the Comprehensive Plan. Normally, they are consistent."

MATT JORDAN "Thank you Marvin. Again, I am with the City Manager's office. I want to thank you for allowing me to stand before you today. It is my pleasure to present to you revisions to the previously adopted 2000-2009 Capital Improvement Program. I want to reiterate a couple of items that Mr. Krout just stated. No. 1, this is intended to be a revision, maybe a major revision, but a revision of the previously adopted program. This is a working document; we will be proposing it shortly to the City Council. I have to note a couple of items, unfortunately. No. 1, there is a typo on the first page under highlights. That should read 'water and sewer master plans'. I just wanted to put that in there to make sure that everyone was actually reading it. Then, the last two pages on the big sheet you have here, they list the water and sewer projects for the next ten years. The funding figures are in thousands. So add three extra zeros when you read those. Also, the total on the sewer project sheet does not match the total in the financial summary. Like I said, these are working documents and we didn't have the total for the new proposed sewer projects at that time. So the total in the financial sheets, the large sheets, is the updated total. The total in the memo is last year's total.

With those housekeeping items out of the way, I would like to just briefly walk you through some of the high points of the memo provided to you, and reiterate that if you have comments or questions, to please, over the next couple of weeks, get those to us and we would be more than happy to come back and address them. The reason for these revisions is that there are several, I think, very positive and important changes that have occurred over the past 12 months. In the memo, I try to list some of them. But I will just point to a couple of them today. The State announced the Comprehensive Transportation Program projects in August. That made a major impact on the projections that we made. Before the plan was adopted last year, we were using assumptions, but now that we know what projects are actually funded with State money, that allows us to reprogram dollars.

There was a 12-month major effort to study and create a plan for enhancing tourism in South Central Kansas. That, too, was announced in August, and the results of that work and that plan have been implemented in many ways in these proposals that you will see as you review the C.I.P. Also, I would like to point out that the water and sewer master plans have been completed, and they, too, call for changes that we felt required us to update the C.I.P. instead of waiting another year. In this dynamic we are in right now where many positive changes are taking place in the community, staff

felt it was important to try to get to the Council changes, updates, revisions to the adopted program to meet those changes that have come about and those new opportunities that have presented themselves to us. So that is what we have tried to reflect in this document.

I tried to highlight to you some of the major components of this program...some things that we are very proud of. You all have been studying for quite a while and are very well aware of the Kellogg Extension Project. We are very proud to say that we believe that this project will be completed from K-96 on the east to Maize on the west in the next 7 years. That is a \$315 million commitment that we are making in infrastructure investment. And I attached, for your review, a table, a project schedule prepared by the Finance Department, that actually lists proposed funding for the local sales tax for the next 7 years. It calls for, as I said, \$315 million in freeway projects, and a total of \$388 million in road and bridge improvements in our community over the next 7 years.

We believe that that is an important investment to be making in our community and one that was important to update regularly. So we didn't want to wait 2 years before we updated that program. I also want to reiterate that there are some very exciting changes and new proposals being initiated by our water and sewer utility. One of them, that you may have heard about recently was the future water supply plant. The success of the recharge project on the Little Arkansas River to help ensure that we have adequate water supply for 50 years. We thought that the master plan of the Water and Sewer Department was important, so we needed to get those changes in front of the City Council this year.

The Tourism Plan that I mentioned offers many important economic development opportunities for this community. We believe that that plan rightly emphasized continued downtown revitalization. So we tried to highlight those projects and include those projects that we believed would have the greatest impact on attracting tourists to Wichita, and also increasing the quality of life for our citizens that are here every day. As always, we try to leverage, as much as possible, federal and state funds, to reduce the burden on local taxpayers. That was another important reason why we felt that we needed to go in and revise the program. We also believe that it was important to keep existing projects in the program and we did do that. There was an effort to update and revise numbers when more updated figures were available. Sometimes we recommended reprogramming of construction schedules. Later in the memo, I listed for you the changes that we recommended to existing projects. But on the whole, there were very little changes made to existing projects. The main emphasis of our effort this year was, as I said before, to add new projects and to meet our new opportunities that have presented themselves for the City Council's priorities.

As in years past, the C.I.P. Committee consists of senior staff members from various City departments. That group, which I was asked to chair this year, did go through the program that you have in front of you and put a special emphasis on the next three year time window, 2001, 2002 and 2003 for general obligation funded projects. That is where we spent most of our time, again because that is where the burden falls on the taxpayers in terms of the general property tax, and we wanted to make sure that we were meeting Council priorities as a result of the changes that have occurred in the last year, and maximizing the funding of other levels of government to reduce that burden. So a lot of the changes that were made that you see listed on Page 3 also fall under those criteria.

We believe this is a good plan. We believe that this meets Council priorities and responds to the dynamic environment in our community. We also believe that this, while it is a major revision, will not be enough, and next year, we believe, as the memo states, that we will need to update the entire ten year program. But what we want to propose to the Council in the next month is a review of the next three years' projects, in particular, in the general obligation category, to make sure that we are responding to our dynamic environment and meeting new opportunities as they arise.

We have two weeks to respond to questions that you have since you just received these sheets today, and I know you have had a long meeting. Thank you, again, for your time. If you have any questions now, I would like to try to respond to them, but also would be happy to, as Marvin said, get back to you at a later time."

CARRAHER "Are there any questions for Mr. Jordan at this time?"

GAROFALO "On a specific project, I noticed that the railroad crossing grade separation is in the works early, which is good. I thought there was supposed to be some consideration of work on Pawnee itself at some point. I don't see anything except at I-135 and Hillside. I thought a while back there was a corridor study on that."

JORDAN "Mike Lindebak, the City Engineer is here and I believe he could answer that."

MIKE LINDEBAK "The Pawnee railroad project actually does redo a good stretch of Pawnee, and then there is another project, I believe at Pawnee and Washington, and then the project that does the B&SF over there by Southeast Boulevard, also encompasses a section of Pawnee. Then there is the other project that is listed in there which is Pawnee from I-135 to Hillside. Basically, that accomplishes all of those Pawnee projects with the two railroad projects, the intersection project there at Washington and then going on further to Hillside."

GAROFALO "So that work hasn't been put off?"

LINDEBAK "No, sir. It is a part of the program."

CARRAHER "Are there any other questions for Mr. Jordan? Seeing none, we would like to thank you, Mr. Jordan for visiting us today and updating us on the proposed C.I.P. and the amendments for the upcoming two or three years."

JORDAN "Thank you."

MCKAY "What all do we have on the retreat agenda for next week? Can we add this? Because don't we have a long agenda two weeks from today?"

KROUT "We do have a long agenda. We can try it."

CARRAHER "If everybody feels comfortable with that, yes, we can do that."

KROUT "We can at least have some discussion."

JOHNSON "Also, this thing like this one case we had today where there was a residential property they were trying to sell because it was in Light Industrial zoning. You mentioned that you wanted to look into the possibility of seeing where you could use a Conditional Use or some other form of handling those cases rather than bringing them back for a zoning change."

KROUT "We already do have the tool, a Conditional Use as a rural home occupation in a residential district, and we explained that tool to the applicant."

JOHNSON "No, I am talking about the case where they were trying to sell the house that was in Light Industrial, just now, on Laura."

KROUT "Oh, okay. Well, I think the Advance Plans Committee can probably include that in their discussions on zoning amendments."

JOHNSON "That is important and I would like to see that discussed."

13. Briefing on Delano Neighborhood Plan -

RIAN HARKINS, Planning staff "This is a briefing; more or less an update on the progress of the Delano Neighborhood Plan. We have designed this to give you an idea of what is being proposed up to this point, as far as the preliminary draft of the plan.

The Delano Neighborhood is bordered on the south by Kellogg, the west by Meridian, and by McLean to the east and north. Staff from the MAPD began working with member of the neighborhood's 3 associations toward the beginning this year through a process of community visioning exercises. As a part of these exercises, the City was awarded a grant from the Kansas Dept. of Commerce & Housing to develop a neighborhood revitalization plan for the area. At the present time, the City of Wichita has a number of projects scheduled in the Capital Improvement Program, providing an additional impetus for redevelopment in the neighborhood. The consultant selected for the plan was Law Kingdon of Wichita, Kansas. They began working with a steering committee comprising City Staff, representatives from each of the neighborhood associations, and other key stakeholders in the area.

The land use map shows residential uses are found primarily in the north, south, and west of the neighborhood, while commercial acreage is concentrated along major streets. Industrial uses are focused heavily next to the railroad corridor and to the west of McLean. Zoning classifications vary in the neighborhood from two-family residential to limited industrial, with no single family zoning in the area and multiple land use conflicts. This is especially true for industrial tracts situated near residential properties. Overall, the neighborhood has a number of incompatible land uses and a general pattern of inappropriate zoning classifications.

After confirming the results of the visioning exercises through focus groups with each of the neighborhood associations, the consultant began working with the steering committee to create 3 plan alternatives. Those 3 alternatives were then developed into a preliminary plan that you see here today.

The plan calls for a mixed use urban village in the area between McLean, Seneca, and Douglas that would provide additional housing on upper floors while the lower floors would serve as commercial space for businesses that would be well-suited to complement the existing commercial interests along Douglas. The plan also calls for the redevelopment of the abandoned sections of the railroad into a linear parkway, with a connection to an existing city park along a section of railroad still in use.

Additionally, the plan proposes additional aesthetic improvements along Seneca and Douglas as well as a number of gateways around the perimeter of the neighborhood. Furthermore, to assist in maintaining properties and their overall value, the plan recommends the creation of design guidelines and protective overlay zoning for the area. Finally, is it suggested that a number of areas in the neighborhood have their respective zoning classification changed to a more restrictive category.

To accomplish this, the plan proposes around \$8.5 million in improvements to the neighborhood through a variety of funding sources and implementation actions, such as the formation of a non-profit community development corporation to assist in neighborhood redevelopment. With that, I'll be happy to answer any questions you might have."

MCKAY "What will happen to the railroad west of that y-shaped area?"

HARKINS "It is currently utilized by two railroads."

WARREN "Have you verified the railroad right-of-way will revert back to adjacent property owners?"

HARKINS "Yes."

PLATT "What is the origin of the term 'Delano'?"

HARKINS "I will defer that to Larry Brown of the Delano Neighborhood Association."

BROWN "It was named after Columbus Delano, Interior Secretary to President Grant."

GAROFALO "Could you explain the \$8.5 million and the potential funding sources?"

HARKINS "The \$8.5 million is the total cost estimate for all the proposed improvements. We are proposing that a number of state and federal programs could be utilized to help pay for these projects."

GAROFALO "Could Community Development Block Grant money be used as a funding source?"

HARKINS "If any of those monies are available in a specific year."

HENTZEN "This is one of many neighborhood programs we have looked at, do you know if any of the projects proposed in these plans are in the revised CIP?"

HARKINS "Concerning Delano, there are a number of projects currently in the CIP to support this plan, although the Neighborhood and the City will need to ensure future CIP's contain other projects."

KROUT "The revised CIP does not contain projects for any of the other neighborhood plans."

MCKAY "There are a lot of absentee landlords and deteriorated housing in this area, has any consideration been given to financial incentive programs to alleviate these two situations?"

HARKINS "There are a number of existing housing programs that can be utilized, although we may need to search for or develop additional programs to address these issues."

WARREN "How far north from Kellogg are you proposing to expand the right-of-way for Seneca?"

HARKINS "To McLean Boulevard."

WARREN "When would that take place?"

HARKINS "Most likely in around 20-25 years when the street needs to be reconstructed again. However, since the current Seneca reconstruction is currently under design review, it could happen sooner."

WARNER "Who would initiate the zoning changes?"

KROUT "The MAPC, the Governing Body, or individuals could. In a case of a large area being proposed for rezoning, it may necessitate a petition of support from the neighborhood."

GAROFALO "Has the Neighborhood seen this proposal? What are their reactions?"

HARKINS "The consultant presented the plan to the neighborhood early in October at their picnic. Around 250 people attended and gave favorable comments. There has also been favorable support during the focus group session held during the summer."

PLATT "Does this mean we are assuming the proposed sports arena will not be in this neighborhood?"

HARKINS "We are going by the tourism study's recommendations, which suggest the area be south of Old Town."

MCKAY "When will a written copy of this be available?"

HARKINS "Before the public hearing is scheduled, it is currently being revised by the consultant."

OSBORNE-HOWES "I find it very exciting to see these three neighborhood groups working together to make this happen. Can you explain where it goes from here?"

HARKINS "Once the steering committee approves the final plan, it will go to the DAB, MAPC and the City Council for approval. We are hoping to have this approved by the City Council in January."

Neighborhood Speakers

MARY LOU RIVERS "I own Rivco on Douglas and was pleased with the consultant's work and was happy to see things happening in the neighborhood."

WAYNE WELLS "I live at 432 S Osage. I felt this was the best thing to happen in the neighborhood in some time."

CARRAHER "Are there any other questions or commentary. Okay, thank you, Rian."

14. **Other Matters**

CARRAHER "Are there any other matters that need to come before the Commission? Seeing none, I will open the floor for a motion to adjourn."

MOTION: That the Metropolitan Area Planning Commission adjourn.

HENTZEN moved, **OSBORNE-HOWES** seconded the motion, and it carried unanimously.

The meeting formally adjourned at 4:17 p.m.

State of Kansas)
Sedgwick County) ss

I, Marvin S. Krout, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____ day of _____, 2000.

Marvin S. Krout, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)